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9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

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12 DANIEL JURIN, an Individual,

13 Plaintiff,

14 vs.

15 GOOGLE INC.,

16 Defendant.

CASE NO. 2:09-cv-03065-MCE-KJM

**GOOGLE INC.'S REPLY
 MEMORANDUM IN FURTHER
 SUPPORT OF ITS RENEWED MOTION
 TO STAY, OR IN THE ALTERNATIVE,
 MOTION TO STRIKE JURIN'S
 COMPLAINT**

Date: June 24, 2010

Time: 2 p.m.

Judge: Morrison C. England, Jr.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 In opposition to Google’s Renewed Motion To Stay, Or In The Alternative, Motion To
3 Strike Jurin’s Complaint, plaintiff Daniel Jurin (“Jurin”) does not offer *any* legal argument or
4 authority in response to the precedent cited by Google—much less any that would justify denying
5 Google’s motion. Instead, he merely offers his own declaration (Docket No. 28) conceding that he
6 has no present intention of complying with the Court’s March 1, 2010 Order to pay costs to
7 Google because he is “unable to comply.” Declaration of Daniel Jurin dated June 10, 2010, ¶ 5.

8 Jurin’s current position and excuses for noncompliance with this Court’s Order, including
9 his belief that the amount of fees awarded is “unreasonable” (*id.* ¶ 24), leave Google no hope that
10 Jurin intends to abide by the Federal Rules of Civil Procedure or this Court’s Orders if this action
11 continues.¹ And tellingly, Jurin’s Declaration offers no excuse for the vexatious conduct
12 identified in Google’s opening memorandum, including his counsel’s failure to participate in the
13 required Rule 26(f) conference and filing an amended complaint that did not address the very
14 deficiencies identified by the Court with the first complaint. *See* Google’s Opening Mem. at 2
15 (Docket No. 23). Google should not be compelled to continue to bear the expense and burden of
16 defending a one-sided litigation in which the Plaintiff does not comply with his obligations.

17 For the reasons set forth in Google’s Notice and Memorandum, and with no legitimate
18 justification offered by Jurin to deny Google’s motion, Google respectfully requests that this Court
19 either stay the current proceedings until Jurin complies with the Court’s order dated March 1,
20 2010, pursuant to Fed. R. Civ. P. 41(d), or strike Jurin’s First Amended Complaint as a sanction
21 for failing to comply with this Court’s Order.

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25 ¹ To the extent Jurin intends his Declaration (filed more than 100 days after the Court’s
26 Order) as a motion for reconsideration, it is improper. *See, e.g.,* L.R. 230(b), (j). To the extent
27 Jurin’s Declaration purports to identify Google’s motivations or describe communications
28 between Google’s counsel and Jurin’s original counsel it should be disregarded because he lacks
personal knowledge of those facts. *E.g., Bank Melli Iran v. Pahlavi*, 58 F.3d 1406, 1412-13 (9th
Cir. 1995) (declarations are entitled to no weight where declarant lacks personal knowledge).

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DATED: June 16, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/Margret M. Caruso
Margret M. Caruso
Attorneys for Defendant Google Inc.

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CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served on June 16, 2010 with a copy of this document via the Court’s CM/ECF system per Local Rule 135(a).

/s/ Margret M. Caruso
Margret M. Caruso