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Jurin v. Google Inc.

NOTICE OF OBJECTION/REQUEST FOR CLARIFICATION

Defendant Google Inc. ("Google") has reviewed the Court's Pretrial Scheduling Order dated June 20, 2011 (Docket No. 54). Google appreciates the detailed scheduling framework set forth in the Order, but submits this notice pursuant to Section XIV of the Order to raise one issue concerning the timing of motions for summary judgment.

The Order does not prohibit either party from filing a motion for summary judgment before August 2012, but it could be construed as setting a hearing for any motion for summary judgment on October 4, 2012. Google anticipates that case-dispositive issues will be ripe for summary judgment later this year—much earlier than the current deadlines—and would like to facilitate expeditious resolution of this matter. Therefore, for the avoidance of doubt, Google requests that the Order be amended expressly to provide for the possibility of Google filing a motion for summary judgment before August 2012, and for a briefing and hearing schedule consistent with the two month schedule contemplated by the Order. Specifically, Google requests that the Order be amended to include the following language after the first paragraph of Section VI, Motion Hearing Schedule (page 4, lines 18-24):

Notwithstanding the foregoing, Defendant may file a motion for summary judgment before August 9, 2012. In that event, Plaintiff's opposition to Defendant's motion and Plaintiff's cross-motion, if any, shall be filed three weeks after the summary judgment brief is filed. Defendant's reply and opposition to Plaintiff's cross-motion shall be filed two weeks after that. Plaintiff's reply (if applicable) shall be filed two weeks after Defendant's reply. Hearing on such motions shall be as soon as practicable thereafter, but not earlier than one week after submission of the final briefing.

For the foregoing reasons, Google respectfully requests the Pretrial Scheduling Order be amended as set forth above.

1	DATED: June 29, 2011	QUINN EMANUEL URQUHART & SULLIVAN, LLP
2		SULLIVAN, LLI
3		By /s/ Margret M. Caruso
4		Margret M. Caruso
5		Attorneys for Defendant Google Inc.
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		-2- CASE NO. 2:09-cv-03065-MCE-KJN (TEMP) GOOGLE INC.'S NOTICE OF OBJECTION/REQUEST FOR CLARIFICATION OF THE PRETRIAL SCHEDULING ORDER
		CLARIFICATION OF THE PRETRIAL SCHEDULING ORDER

CERTIFICATE OF SERVICE I certify that counsel of record who are deemed to have consented to electronic service are being served on June 29, 2011 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