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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 CALCAR, INC., a California corporation; and
 AMERICAN CALCAR, INC., a Delaware
 14 corporation,

15 Plaintiffs,

16 vs.

17 THE CALIFORNIA CARS INITIATIVE,
 INC., an unknown business entity; and FELIX
 18 KRAMER, an individual,

19 Defendants.

CASE NO. 3:08-mc-80083 MHP (WDBx)

THIRD-PARTY GOOGLE INC.'S MOTION
 TO SHORTEN TIME PURSUANT TO CIVIL
 LOCAL RULE 6-3 REGARDING GOOGLE
 INC.'S CROSS-MOTION FOR
 PROTECTIVE ORDER PRECLUDING A
 DEPOSITION UNDER RULE 30(B)(6)

Date: May 14, 2008
 Time: 1:00 pm
 Crtrm.: 4

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1 Pursuant to Civil Local Rule 6-3, Third-Party Google Inc. ("Google") hereby seeks an
2 order shortening time for a hearing on Google's Cross-Motion for Protective Order Precluding a
3 Deposition under Fed. R. Civ. P. 30(b)(6), filed May 2, 2008 ("Cross-Motion"). Pursuant to the
4 Civil Local Rules, the first date on which Google's Cross-Motion may be heard is June 6, 2008.¹
5 Following the referral to United States Magistrate Judge Wayne D. Brazil, and pursuant to the
6 Civil Local Rules, the Court's calendar, and the Court's Scheduling Information, the earliest date
7 on which Google's Cross-Motion may now be heard is Wednesday, June 18, 2008, at 1:30 pm.
8 Because a closely-related motion is being heard on May 14, 2008 at 1:00 pm, Google requests that
9 its Cross-Motion be set for that same day, for the reasons set forth below.

10 Google's Cross-Motion seeks a protective order precluding a Rule 30(b)(6) deposition of
11 third party Google in connection with the trademark infringement action brought by Plaintiffs
12 Calcar, Inc. and American Calcar, Inc. (collectively, "Calcar") against The California Cars
13 Initiative ("TCCI") and Felix Kramer, currently pending in the United States District Court for the
14 Central District of California.²

15 Pursuant to Local Rule 37-1, counsel for Google and counsel for Calcar have met and
16 conferred regarding both Calcar's Motion to Compel the deposition, and Google's Cross-Motion
17 for a Protective Order precluding the deposition. See Declaration of Rachel M. Herrick in Support
18 of Third-Party Google Inc.'s Motion to Shorten Time, filed herewith ("Herrick Decl."), ¶¶ 3-5.
19 Google made repeated attempts to reach agreement with Calcar on an expedited briefing schedule
20 that would accommodate both Calcar's Motion and Google's Cross-Motion. Calcar's counsel
21 refused to so stipulate, instead demanding that Google agree to brief and argue Calcar's Motion on
22 shortened time, but refusing to extend Google that same courtesy on Google's Cross-Motion.
23 Herrick Decl. ¶¶ 4-5.

25 ¹ Google originally noticed the motion for June 9, 2008, to conform to the Calendar and
26 Standing Order of the Hon. Marilyn Hall Patel, from whom this case has now been referred.

27 ² Google is not a party to that case, and its only connection to either party is a charitable
28 donation made by Google.org to defendant TCCI, a non-profit organization that develops and
promotes hybrid technology for fuel-efficient vehicles.

1 Having been unable to reach agreement on a shortened schedule, Google proceeded with
2 the filing of its Cross-Motion for Protective Order on May 2, 2008. Id. ¶ 6. On May 7, 2008, this
3 miscellaneous action was transferred to this Court. On May 8, 2008, this Court granted Calcar's
4 pending Motion to Shorten Time regarding its Motion to Compel, setting a hearing on Calcar's
5 Motion on May 14, 2008. See Docket No. 20. That same day, counsel for Google emailed
6 counsel for Calcar, Brian Brookey, and requested that Mr. Brookey stipulate to Google's request to
7 shorten time on its Cross-Motion. Herrick Decl. ¶ 7. Calcar refused to so stipulate, and threatened
8 Google's counsel with sanctions if it elected to proceed with Google's request to shorten time. Id.

9 Calcar's Motion and Google's Cross-Motion overlap in many respects, and should be heard
10 together. Both motions concern the central issue of whether this Court should permit Calcar to
11 take third-party Google's deposition. In the interests of judicial economy, Google asks this Court
12 to set Google's Cross-Motion for Protective Order for hearing on the same date it has set Calcar's
13 Motion to Compel, May 14, at 1:00 p.m.

14 It appears that Calcar has already responded to the issues raised in Google's Cross-Motion.
15 See, e.g., Calcar's Reply in Support of Motion to Compel at 3-5 (Docket No. 16). Nevertheless, if
16 Calcar wishes to submit further briefing in opposition to Google's Cross-Motion, it should be
17 ordered to do so by May 12. Google can file its reply papers (if any) on May 13.

18 There has been one previous modification of time in this miscellaneous action, by Court
19 order, setting the hearing date on Calcar's Motion to Compel for May 14, 2008. See Docket No.
20 20. No further modifications to the current schedule would be required if Google's instant motion
21 to shorten time is granted. For the foregoing reasons, Google respectfully requests that the Court
22 enter an Order Shortening Time for the Court to hear Google's Cross-Motion for Protective Order
23 Precluding a Deposition under Fed. R. Civ. P. 30(b)(6).

24 DATED: May 8, 2008

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26 By /s/ Rachel M. Herrick

27 Rachel M. Herrick
28 Attorneys for Third-Party Google Inc.