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6 *Attorneys for Plaintiffs* NICOLE PIMENTAL,  
 7 JESSICA FRANKLIN and the Putative Classes

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 NICOLE PIMENTAL, individually and on  
 11 behalf of all others similarly situated,

12 Plaintiff,

13 vs.

14 GOOGLE, INC., a Delaware corporation, and  
 15 SLIDE, INC., a Delaware Corporation,

16 Defendants.  
 17 \_\_\_\_\_

18 JESSICA FRANKLIN, individually and on  
 19 behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22 GOOGLE, INC., a Delaware corporation, and  
 23 SLIDE, INC., a Delaware Corporation,

24 Defendants.  
 25 \_\_\_\_\_  
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 27 \_\_\_\_\_  
 28 \_\_\_\_\_

Case No.: 11-cv-02585-SBA

Class Action

**STIPULATION TO CONSOLIDATE  
 RELATED CASES, APPOINT INTERIM  
 LEAD COUNSEL AND AUTHORIZE  
 FILING OF PLAINTIFFS’  
 CONSOLIDATED COMPLAINT**

Case No.: 11-cv-3333-SBA

Class Action

1           **WHEREAS**, the above-captioned related class action lawsuits (the “Actions”)  
2 presently are pending before this Court;

3           **WHEREAS**, Federal Rule of Civil Procedure 42(a) provides for consolidation of  
4 actions and for any other orders to avoid unnecessary cost or delay;

5           **WHEREAS**, the prerequisites for consolidation under Federal Rule of Civil  
6 Procedure 42(a) are satisfied here in that (i) the defendants in both Actions are the same; (ii)  
7 both cases raise the same or similar issues and call for determination of the same or  
8 substantially similar questions of law and fact; (iii) both cases arise out of the defendants’  
9 uniform conduct; (iii) plaintiffs each allege the same or similar causes of action and seek  
10 nearly identical relief; and (iv) plaintiff Franklin has filed a Notice of Related Actions with  
11 her complaint informing the Court that the Actions are related;

12           **WHEREAS**, in determining whether to consolidate, the Court also may consider  
13 whether consolidation will (1) conserve judicial resources by avoiding unnecessary  
14 duplication of evidence and procedures; and (2) avoid the substantial danger of inconsistent  
15 results if the cases are tried separately;

16           **WHEREAS**, those prerequisites are satisfied here in that consolidation will (i) reduce  
17 the number of pretrial and discovery motions to be decided, avoid duplicative discovery and  
18 motion practice related to class action issues, and significantly trim clerical and  
19 administrative management duties; (ii) reduce the confusion, cost and delay that may result  
20 from prosecuting these related putative class actions separately and will avoid duplication of  
21 labor and the risk of inconsistent rulings; and (iii) reduce the burdens of discovery  
22 management in that a single consolidated complaint can serve as a reference point;

23           **WHEREAS**, Federal Rule of Civil Procedure 23(g)(3) permits the Court to appoint  
24 interim lead counsel in purported class actions pending certification, and the *Manual for*  
25 *Complex Litigation* (Fourth) §21.11 (2004) states that “designation of interim counsel  
26 clarifies responsibility for protecting the interest of the class during pre-certification  
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1 activities, such as making and responding to motions, conducting any necessary discovery,  
2 moving for class certification, and negotiating settlement”;

3 **WHEREAS**, the criteria for appointing interim lead counsel are the same as those set  
4 forth in Federal Rule of Civil Procedure 23(g)(1)(A)(i)-(iv) for appointing lead counsel,  
5 namely: the work counsel has done in identifying or investigating potential claims in the  
6 case; counsel's experience in handling class actions, other complex litigation and claims of  
7 the type asserted in the action; counsel's knowledge of the applicable law; and the resources  
8 counsel will commit to representing the class; and

9 **WHEREAS**, both Edelson McGuire, LLP and Weiss & Lurie represent that they  
10 satisfy these criteria (and Defendants take no position on these representations at this time) in  
11 that: both firms have independently investigated and brought suit on the claims which form  
12 the basis of these Actions; have extensive experience litigating class actions and other  
13 complex cases, including claims under the federal Telephone Consumer Protection Act, 47  
14 U.S.C. §227, *et seq.*; have repeatedly been appointed by federal and state courts to serve as  
15 lead or co-lead counsel; have successfully litigated hundreds of cases and recovered well in  
16 excess of a billion dollars on behalf of their clients; and are committed to, and have the  
17 financial and human resources to, fairly and adequately represent the Plaintiffs and the  
18 putative Class in this action;

19 **WHEREFORE**, Plaintiffs Nicole Pimental and Jessica Franklin, and Defendants  
20 Google Inc. and Slide, Inc., through their respective counsel, and subject to approval by this  
21 Court, hereby stipulate and agree that: the Actions shall be consolidated; Edelson McGuire,  
22 LLP shall serve as interim lead counsel for the Plaintiffs and the Class; Weiss & Lurie shall  
23 serve as interim liaison counsel for the Plaintiffs and the Class; and Plaintiffs shall file a  
24 Consolidated Complaint by September 14, 2011, unless otherwise stipulated.

1 Dated: September 14, 2011

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EDELSON MCGUIRE, LLP

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3 By: /s/ Sean P. Reis

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7 Dated: September 14, 2011

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20  
21 Dated: September 14, 2011

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25 *Attorneys for Defendants Google, Inc. and Slide, Inc.*

**CERTIFICATE OF SERVICE**

I, Sean P. Reis, an attorney, hereby certify that on September 14, 2011, I served the above and foregoing ***Stipulation to Consolidate Related Cases, Appoint Interim Lead Counsel, and Authorize Filing of Plaintiffs' Consolidated Complaint***, by causing true and accurate copies of such paper to be filed with the Court and transmitted to all counsel of record via the Court's CM/ECF electronic filing system on this the 14th day of September, 2011.

/s/ Sean P. Reis \_\_\_\_\_

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