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14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN JOSE DIVISION

17 ADVANCED INTERNET TECHNOLOGIES,  
 INC., a North Carolina corporation,  
 18 individually and on behalf of all others  
 similarly situated,

19 Plaintiff,

20 vs.

21 GOOGLE, INC., a Delaware Corporation,  
 and DOES 1 through 100, Inclusive,

22 Defendants.

23 STEVE MIZERA, an Individual, individually  
 24 and on behalf of all others similarly situated,

25 Plaintiff,

26 vs.

27 GOOGLE, INC., a Delaware Corporation,  
 and DOES 1 through 100, Inclusive,

28 Defendants

Case No. C 05 02579 RMW

Consolidated with  
 Case No. C 05 02885 RMW

**[PROPOSED] ORDER**

Date: January 13, 2006  
 Time: 9:00 a.m.  
 Judge: Hon. Ronald M. Whyte

1 On January 13, 2006, the Court heard plaintiff Click Defense, Inc's ("Click Defense's")  
2 Motion for leave to (1) withdraw as representative plaintiff of the putative class; (2) discontinue  
3 its individual claims against defendant Google, Inc. ("Google") without prejudice; (3) substitute  
4 Advanced Internet Technologies, Inc. ("AIT") for Click Defense as representative plaintiff of the  
5 putative class; and (4) amend the caption accordingly. Having considered the parties' arguments  
6 and submissions, the Court orders as follows:

7 1. Click Defense's motion is GRANTED. AIT shall be substituted for Click  
8 Defense as the named plaintiff and putative class representative. The caption shall be amended  
9 accordingly.

10 2. Click Defense shall produce documents in response to one set of requests for  
11 production served by Google, and produce a witness or witnesses for one seven-hour deposition  
12 on topics noticed by Google. Google's requests for production and deposition notice shall be  
13 narrowly tailored. This Court will retain jurisdiction to resolve any disputes relating to this  
14 discovery.

15 3. After Click Defense produces the documents and testifies at deposition as set  
16 forth in the preceding paragraph, if Google desires any additional discovery from Click Defense,  
17 it must serve a subpoena under Fed. R. Civ. P. 45. This Court expresses no opinion on the  
18 propriety of any such additional discovery.

19 4. The Court declines to order at this time that plaintiffs' counsel must make a  
20 showing of good cause if they seek to change class representatives again. The Court will decide  
21 any such motion, including what showing plaintiffs' counsel must make, if and when such a  
22 motion is presented.

23 IT IS SO ORDERED.

24 Dated:

25  
26 By: \_\_\_\_\_  
27 RONALD M. WHYTE  
28 United States District Judge