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13 Attorneys for Plaintiff

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

18  
 19 STEVE MIZERA, An Individual, Individually )  
 and on behalf of all others similarly situated, )

20 Plaintiff, )

21 vs. )

22 )  
 23 GOOGLE, INC., a Delaware Corporation, and )  
 DOES 1 through 100, Inclusive, )

24 Defendants. )

Case No.: 5:05-cv-02885-RMW

**E-FILING**

25 )  
 26 )  
 27 ) **PLAINTIFF STEVE MIZERA'S**  
 28 ) **STATEMENT OF NON-OPPOSITION TO**  
 ) **GOOGLE, INC.'S MOTION TO DISMISS**

**Date: October 26, 2005**

**Time: 9:00 a.m.**

**Judge: Hon. Ronald M. Whyte**

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1 Pursuant to Civil L.R. 7-3(b) Plaintiff Steve Mizera hereby states that he does not oppose  
2 defendant, Google, Inc.'s Motion to Dismiss Plaintiff's claim for unjust enrichment.

3 This statement of non-opposition is consistent with plaintiff's offer, made five days prior  
4 to the service of defendant's motion, to file a second amended complaint identical to the  
5 amended complaint in all respects except for the omission of the cause of action for unjust  
6 enrichment.  
7

8  
9 Dated: October 4, 2005

Respectfully submitted,

10 CHITWOOD HARLEY HARNES LLP

11  
12 By: /s/ DARREN T. KAPLAN

13 DARREN T. KAPLAN (*Admitted pro hac vice*)  
14 and KABATECK BROWN KELLNER LLP and LAW  
15 OFFICES OF SHAWN KHORRAMI, Attorneys for  
16 Plaintiff  
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