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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CLRB Hanson Industries, LLC, et al.,

NO. C 05-03649 JW

Plaintiffs,

v.

Google, Inc.,

Defendant.

**ORDER FOLLOWING CASE  
MANAGEMENT CONFERENCE;  
SETTING A NEW DEADLINE FOR THE  
CLOSE OF ALL DISCOVERY AND LAST  
DATE FOR HEARING DISPOSITIVE  
MOTIONS**

On December 1, 2008, the Court held a Case Management Conference. Counsel for the respective parties were present. At the Case Management Conference, Defendant represented that it will file a Motion for Partial Summary Judgment on Plaintiffs' UCL and FAL claims, which will be based on evidence that Defendant's "120% Rule" was disclosed to Plaintiffs when they signed up for Defendant's AdWords program. In light of this representation, the Court orders as follows:

- (1) The hearing on Defendant's anticipated Motion for Partial Summary Judgment on Plaintiffs' UCL and FAL claims is set for **March 20, 2009 at 9:00 a.m.**
- (2) Defendant's Motion shall be filed and served on or before **January 16, 2009**;
- (3) Plaintiffs' Opposition shall be filed and served on or before **February 27, 2009**;
- (4) Defendant's Reply, if any, shall be filed and served on or before **March 6, 2009**.

At the Case Management Conference, the parties also discussed a dispute regarding Defendant's provision of discovery on the issue of monetary damages associated with Plaintiffs' claims. With respect to this issue, the Court orders that no later than **February 2, 2009**, the date set

1 for hearing Defendant's anticipated Motion for Partial Summary Judgment, Defendant shall be  
2 prepared to provide Plaintiff with any necessary discovery regarding the issue of monetary damages.

3 In addition, to the extent that there are no current deadlines with respect to the date for the  
4 close of all discovery and last date for hearing on dispositive motions, the Court now sets those  
5 deadlines as follows:

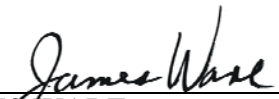
6 (1) To the extent that there are still outstanding discovery as referenced above, the Court  
7 sets **February 2, 2009**, as the date for the close of all discovery

8 (2) The Court sets **March 20, 2009**, as the last date for hearing on all dispositive  
9 motions. This deadline excludes Plaintiffs' anticipated Motion for Class  
10 Certification.

11 This case has been pending since 2005. The Court has entertained numerous partial summary  
12 judgment motions by Defendant. The Court has a strong desire to clear its docket and thus  
13 encourages the parties to work diligently to bring this action to a close.

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15 Dated: December 9, 2008

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: December 9, 2008**

**Richard W. Wieking, Clerk**

By:           /s/ JW Chambers            
**Elizabeth Garcia**  
**Courtroom Deputy**