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13  
 14 *Attorneys for Plaintiffs and the  
 Proposed Class*

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

18			
19	CLRB HANSON INDUSTRIES, LLC d/b/a )	CASE NO: C05-03649 JW	
20	INDUSTRIAL PRINTING, and HOWARD )		
21	STERN, on behalf of themselves and all )	<b>SUPPLEMENTAL DECLARATION OF</b>	
22	others similarly situated, )	<b>MICHELE F. RAPHAEL IN SUPPORT</b>	
23	Plaintiffs, )	<b>OF PLAINTIFFS' MOTION TO</b>	
24	vs. )	<b>ENLARGE TIME</b>	
25	GOOGLE, INC., )		
26	Defendant. )		
27	)		

28 **Supplemental Declaration of Michele F. Raphael in  
 Support of Plaintiffs' Motion to Enlarge Time  
 Case No: C05-03649 JW**

1 I, **MICHELE F. RAPHAEL**, declare as follow:

2 1. I am a member of Wolf Popper LLP (“Wolf Popper”), counsel for Plaintiffs CLRB  
3 Hanson Industries, LLC d/b/a Industrial Printing (“CLRB Hanson”) and Howard Stern  
4 (collectively, “Plaintiffs”) in this action against Google, Inc. I have personal knowledge of the  
5 facts stated herein. I submit this supplemental declaration in support of Plaintiffs’ Motion to  
6 Enlarge Time.  
7

8 2. On Thursday, August 3, 2005, I advised defense counsel, M. Christopher Jhang,  
9 that Mr. Hanson would alter his schedule to be available in New York on August 17, 2006, but  
10 that the following morning would be preferable given his schedule. (As per exhibits to Mr.  
11 Jhang’s Declaration in support of Defendant’s motion to enlarge time, both defense counsel and  
12 the Court were informed that Mr. Hanson was unavailable from August 12-26.) I also said that  
13 “[w]ith respect to the summary judgment motion, given the delays, we are going to ask the Court  
14 to enlarge the time. We are going to ask that the adjourned hearing date be Monday, November  
15 6.” See exhibit A hereto.  
16  
17  
18

19 3. On Friday evening, August 4, 2006, I received a responsive email from Mr. Jhang  
20 saying that David Biderman is unavailable today and that Mr. Jhang would respond “early next  
21 week.” See exhibit B hereto.  
22

23 4. On August 8, 2006, Plaintiffs, having received no answer to whether Defendant  
24 would agree to the request for an adjournment, five days after they raised the issue with defense  
25 counsel, and with the September 1 deadline approaching, filed their motion to enlarge time in  
26 order to prevent prejudice to Plaintiffs.  
27  
28

**Supplemental Declaration of Michele F. Raphael in  
Support of Plaintiffs’ Motion to Enlarge Time  
Case No: C05-03649 JW**



# Exhibit A

**Michele F. Raphael**

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**From:** Michele F. Raphael  
**Sent:** Thursday, August 03, 2006 1:53 PM  
**To:** 'Jhang, M. Christopher (Perkins Coie)'; Biderman, David (Perkins Coie); Gitterman, Judith (Perkins Coie)  
**Cc:** Lester L. Levy, 'Bill Audet'; 'Jason Baker'  
**Subject:** Google

Chris,

In order to avoid additional delay, Mr. Hanson offered to alter his schedule to be available in New York. The morning of August 18<sup>th</sup> is preferable for him. If you cannot accommodate Mr. Hanson on the 18<sup>th</sup>, he can be available the afternoon of August 17. As you are aware, I advised you early on that Mr. Hanson was unavailable from August 12 to 26. We would also like to start Mr. Stern's deposition at 11:00a.m. In exchange for these date/time accommodations, we will agree that the depositions take place at Thacher Proffitt.

With respect to the summary judgment motion, given the delays, we are going to ask the Court to enlarge the time. We are going to ask that the adjourned hearing date be Monday, November 6.

- Michele

# Exhibit B

**Michele F. Raphael**

**From:** Jhang, M. Christopher (Perkins Coie) [CJhang@perkinscoie.com]  
**Sent:** Friday, August 04, 2006 5:50 PM  
**To:** Michele F. Raphael  
**Cc:** Biderman, David (Perkins Coie); Gitterman, Judith (Perkins Coie)  
**Subject:** RE: Google

Michele,

David is unavailable today (he is on a plane flying back into the country). I will discuss with him the scheduling issues you reference below when he returns and will respond to your email early next week.

Chris

-----Original Message-----

**From:** Michele F. Raphael [mailto:MRaphael@wolfpopper.com]  
**Sent:** Thursday, August 03, 2006 10:53 AM  
**To:** Jhang, M. Christopher (Perkins Coie); Biderman, David (Perkins Coie); Gitterman, Judith (Perkins Coie)  
**Cc:** Lester L. Levy; Bill Audet; Jason Baker  
**Subject:** Google

Chris,

In order to avoid additional delay, Mr. Hanson offered to alter his schedule to be available in New York. The morning of August 18<sup>th</sup> is preferable for him. If you cannot accommodate Mr. Hanson on the 18<sup>th</sup>, he can be available the afternoon of August 17. As you are aware, I advised you early on that Mr. Hanson was unavailable from August 12 to 26. We would also like to start Mr. Stern's deposition at 11:00a.m. In exchange for these date/time accommodations, we will agree that the depositions take place at Thacher Proffitt.

With respect to the summary judgment motion, given the delays, we are going to ask the Court to enarge the time. We are going to ask that the adjourned hearing date be Monday, November 6.

- Michele

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