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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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KINDERSTART.COM LLC, a California limited liability company, on behalf of itself and all others similarly situated,

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Plaintiffs,

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v.

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GOOGLE, INC., a Delaware corporation,

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Defendant.

Case Number C 06-2057 JF (RS)

ORDER¹ (1) GRANTING IN PART DEFENDANT'S MOTION TO CONTINUE OR VACATE HEARING DATE, AND (2) GRANTING PLAINTIFF'S REQUEST TO EXCEED PAGE LIMITS

[re: docket nos. 17, 19]

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On May 2, 2006, Defendant filed both a motion to dismiss under Fed. R. Civ. P. 12(b) and an "Anti-SLAPP" motion under Cal. Civ. Proc. Code § 425.16. Both motions are scheduled to be heard on June 30, 2006. On May 26, 2006, Plaintiff filed a motion for a preliminary injunction, which is also scheduled to be heard on June 30, 2006. On May 31, 2006, Defendant filed the instant administrative request asking this Court to vacate the June 30, 2006 date for the hearing on Plaintiff's motion for a preliminary injunction.

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As Defendant points out, Plaintiff's motion for a preliminary injunction, forty-eight pages

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¹ This disposition is not designated for publication and may not be cited.


1 in length, violates the twenty-five page limit set forth in Civil L.R. 7-2(b). On June 1, 2006,
2 Plaintiff filed an administrative request to exceed the page limit, but that request itself was
3 procedurally flawed, being untimely and lacking a supporting affidavit or declaration as required
4 by Civil L.R. 7-11(a).

5 Under these circumstances, the Court agrees with Defendant that hearing Plaintiff's
6 motion for a preliminary injunction June 30, 2006 would be prejudicial to Defendant. In light of
7 the continuance, the Court will permit Plaintiff to exceed the page limit despite the procedural
8 flaws in Plaintiff's request.²

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10 **ORDER**

11 Good cause therefore appearing, IT IS HEREBY ORDERED that the hearing on
12 Plaintiff's motion for preliminary injunction be continued, with the new date to be determined at
13 the June 30, 2006 hearing. Plaintiff's papers in support of its motion for a preliminary injunction
14 may exceed the page limit set forth in L.R. 7-2(b), but shall not exceed forty-eight pages.

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16 DATED: June 8, 2006

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20 JEREMY FOGEL
United States District Judge

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25 _____
26 ²The Court has received the parties' stipulation to a revised briefing schedule on the
27 motion for a preliminary injunction. The stipulation expressly provides that it is without
28 prejudice to Defendant's motion to continue or vacate the hearing on the motion for a
preliminary injunction.

