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art.C	Com, LLC v. Google, Inc.			
	Case 5:06-cv-02057-JF	Document 25	Filed 06/08/2006	Page 1 of 3
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2			**E-File	d 6/8/06**
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7		NOT FOR CITA	TION	
8	IN THE UN			
9	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA			
0		SAN JOSE DIV		
1				
2	KINDERSTART.COM LLC, a California	alifornia limited	Case Number C 06-2	2057 JF (RS)
3	liability company, on behalf of its similarly situated,	elf and all others	ORDER <sup>1</sup> (1) GRANTING IN PART	
4	Plaintiffs,		DEFENDANT'S MOTION TO CONTINUE OR VACATE HEARING	
5	V.		DATE, AND (2) GR PLAINTIFF'S REQU	UEST TO
6	GOOGLE, INC., a Delaware corporation,		EXCEED PAGE LIMITS	
7	Defend	lant.	[re: docket nos. 17, 1	9]
8	2			
9	On May 2, 2006 Defender	t filed beth a motic	n to diamiga under Fod	$\mathbf{P}$ Civ $\mathbf{P}$ 12(b)
0	On May 2, 2006, Defendant filed both a motion to dismiss under Fed. R. Civ. P. 12(b)			
2	and an "Anti-SLAPP" motion under Cal. Civ. Proc. Code § 425.16. Both motions are scheduled to be beard on June 30, 2006. On May 26, 2006. Plaintiff filed a motion for a preliminary			
3	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			
4	filed the instant administrative request asking this Court to vacate the June 30, 2006 date for the			
5	hearing on Plaintiff's motion for a preliminary injunction.			
6	As Defendant points out, Plaintiff's motion for a preliminary injunction, forty-eight pages			
27				
28	<sup>1</sup> This disposition is not designated for publication and may not be cited.			
	Case No. C 06-2057 JF (RS)			

Case No. C 06-2057 JF (RS) ORDER (1) GRANTING IN PART DEFENDANT'S MOTION TO CONTINUE OR VACATE PRELIMINARY INJUNCTION HEARING DATE, AND (2) GRANTING PLAINTIFF'S REQUEST TO EXCEED PAGE LIMITS (JFEX2)

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

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

## ORDER

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

DATED: June 8, 2006

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JEREMY FO GEL United States District Judge

<sup>2</sup>The Court has received the parties' stipulation to a revised briefing schedule on the motion for a preliminary injunction. The stipulation expressly provides that it is without prejudice to Defendant's motion to continue or vacate the hearing on the motion for a preliminary injunction.

ORDER (1) GRANTING IN PART DEFENDANT'S MOTION TO CONTINUE OR VACATE PRELIMINARY INJUNCTION HEARING DATE, AND (2) GRANTING PLAINTIFF'S REQUEST TO EXCEED PAGE LIMITS (JFEX2)

1	This Order has been served upon the following persons:			
2	Colleen Bal	cbal@wsgr.com, eminjarez@wsgr.com		
3	David H. Kramer	dkramer@wsgr.com, dgrubbs@wsgr.com		
4	Bart Edward Volkmer , Esq	bvolkmer@wsgr.com		
5	Gregory John Yu	glgroup@inreach.com, gjy@abcye.com		
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(JFEX2)