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 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

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

13 Plaintiffs,

14 v.

15 GOOGLE, INC., a Delaware corporation,

16 Defendant.

Case No. C 06-2057 JF

**[PROPOSED] ORDER DENYING  
 DEFENDANT'S SPECIAL MOTION TO  
 STRICK PURSUANT TO CCP § 425.16**

17  
 18 Having considered Defendant Google's Motion to Strike Count One, Count Eight, and  
 19 Count Nine of Plaintiffs' First Amended Complaint under California Code of Civil Procedure  
 20 ("CCP") §§ 425.16 *et seq.*, any opposition, reply and all other documents on file as well as  
 21 argument and evidence presented at the hearing on this motion,

22 IT IS HEREBY ORDERED THAT Defendant's motion as to all of the aforementioned  
 23 counts in the amended complaint be denied in its entirety based on the finding in fact and at law  
 24 that Defendant's speech and conduct are deemed "commercial speech" under CCP § 425.17, and  
 25 that as a result of the denial no attorneys' fees or costs shall be awarded to Defendant.

26  
 27 Dated: \_\_\_\_\_, 2006

By: \_\_\_\_\_  
 The Honorable Jeremy Fogel

28 [PROPOSED] ORDER DENYING DEFENDANT'S  
 SPECIAL MOTION TO STRIKE

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