

E-Filed 2/13/2007

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NOT FOR CITATION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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CARL E. PERSON,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case Number C 06-7297 JF (RS)

ORDER¹ DENYING IN PART AND
GRANTING IN PART MOTION FOR
ADMINISTRATIVE RELIEF

[re: docket no. 21]

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On February 9, 2007, Plaintiff moved for leave to file an amended complaint, or alternatively, to extend the time in which to respond to Defendant's motion to dismiss three weeks beyond the existing deadline of February 9, 2007.

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On September 18, 2006, Judge Patterson of the Southern District of New York determined that Plaintiff previously exercised his right to amend his complaint on August 3, 2006. Accordingly, Plaintiff may not amend his complaint as of right. Having reviewed the papers submitted by both parties, the Court concludes that it should consider whether to permit Plaintiff to file an amended complaint in the context of the motion to dismiss.

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Plaintiff represents that he has briefed a similar, now-mooted motion in the past and that

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

1 he has responded to Defendant's arguments in the proposed amended complaint. Under these
2 circumstances, Plaintiff should be able to file opposition to the motion to dismiss shortly and
3 should be prepared to argue why leave to amend should be granted in the event that the Court
4 grants the motion. Accordingly, the Court will reschedule the hearing on the motion to March 9,
5 2007. Plaintiff shall file any opposition on or before February 20, 2007. Defendant shall file any
6 reply on or before February 27, 2007.

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8 IT IS SO ORDERED.

9 DATED: February 13, 2007.

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13 JEREMY FOGEL
14 United States District Judge
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1 This Order has been served upon the following persons:

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