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5 Attorneys for Defendant
 GOOGLE INC.¹

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

12 DAVID ALMEIDA, individually and on
 behalf of all others similarly situated,
 13
 Plaintiff,
 14
 v.
 15 GOOGLE, INC. a Delaware Corporation; and
 16 DOES 1 through 10, inclusive,
 17 Defendants.

Case No. 08-CV-02088 RMW (PVT)
**DECLARATION OF LEO P. NORTON
 IN SUPPORT OF ADMINISTRATIVE
 MOTION TO CONSIDER WHETHER
 PUTATIVE CLASS ACTION CASES
 AGAINST GOOGLE INC.
 REGARDING ADWORDS
 ADVERTISING PROGRAM SHOULD
 BE RELATED (Civil L.R. 3-12 & 7-11)**

25 ¹ KEKER & VAN NEST LLP attorneys Daralyn J. Durie, David J. Silbert, Ryan M. Kent, and
 26 Alyse Bertenthal are counsel of record for Google Inc. in this case, and have already appeared in
 27 this action. COOLEY GODWARD KRONISH LLP (“Cooley”) and its attorneys listed above are
 28 counsel for Google Inc. in the three actions sought to be related with this action. Civil Local Rule
 3-12 requires that this motion be made in the first filed action, which is this action, and therefore
 the Cooley attorneys make this motion in this case on Google’s behalf.

1 I, Leo P. Norton, declare:

2 1. I am an attorney licensed to practice law in the State of California, and I am
3 admitted to practice before this Court. I am an associate with the law firm of Cooley Godward
4 Kronish LLP, attorneys for Defendant Google Inc. in three of the four actions sought to be
5 related. As an attorney for Google, I have personal knowledge of the facts set forth in this
6 Declaration, and if called upon to testify, I could and would testify competently thereto.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint against
8 Google in the case entitled *David Almeida v. Google, Inc.*, Case No. C 08-02088-RMW
9 (“*Almeida case*”), which was filed on April 22, 2008.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of the Complaint against
11 Google in the case entitled *Hal K. Levitte v. Google, Inc.*, Case No. C 08-03369-JW (“*Levitte*
12 *case*”), which was filed on July 11, 2008.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of the Complaint against
14 Google in the case entitled *RK West, Inc. v. Google, Inc.*, Case No. C 08-03452-RMW (“*RK West*
15 *case*”), which was filed on July 17, 2008.

16 5. Attached hereto as Exhibit 4 is a true and correct copy of the Complaint against
17 Google in the case entitled *Pulaski & Middleman, LLC v. Google Inc.*, Case No. C 08-03888-SI
18 (“*Pulaski case*”), which was filed on August 14, 2008.

19 6. On August 25, 2008, I sent plaintiffs’ counsel in the *Almeida, Levitte, RK West,*
20 *and Pulaski* cases a meet and confer letter via email and mail. I wrote to them to: (1) notify them
21 that the *Levitte, RK West,* and *Pulaski* cases are related to each other and to the earlier-filed
22 *Almeida* case; (2) attempt to reach a stipulation on Google’s intended administrative motion under
23 Civil Local Rules 3-12 and 7-11 to relate the cases; and (3) request that Google’s time to answer
24 or otherwise respond to the *Levitte, RK West,* and *Pulaski* cases complaints be coordinated and an
25 extension of time such that Google’s new response deadline in those three cases is on or before
26 September 30, 2008. I requested that plaintiffs’ counsel respond to my letter by end of day
27 Wednesday, August 27, 2008. Attached as Exhibit 5 is a true and correct copy of the letter I sent
28 to plaintiffs’ counsel on August 25, 2008.

1 7. On August 26, 2008, at 9:24 a.m., I received an email from plaintiff's counsel in
2 the *Levitte* case, which was copied to all other plaintiffs' counsel, purporting to write on behalf of
3 plaintiffs' counsel in the *Almeida*, *Levitte*, *RK West*, and *Pulaski* cases and requesting an
4 additional week to and including September 3, 2008 to respond to my August 25, 2008 letter and
5 granting an interim extension to respond to the complaint in the *Levitte* case. Later that day, at
6 12:19 p.m., I responded via email, which was copied to all plaintiffs' counsel in the four cases,
7 granting their requested extension. Still later that day, at 1:00 p.m., I received another email from
8 plaintiff's counsel in the *Levitte* case, which was copied to all other plaintiffs' counsel, stating
9 that plaintiffs' counsel in the four cases would be discussing the issues raised in my August 25,
10 2008 letter and that they would respond by Thursday, August 28, 2008 at the latest. Attached as
11 Exhibit 6 is a true and correct copy of an email chain containing my email to all plaintiffs'
12 counsel on August 25, 2008 enclosing my August 25, 2008 letter, the *Levitte* case plaintiff's
13 counsel's response on August 26, 2008, at 9:24 a.m., my response that day at 12:19 p.m., and the
14 *Levitte* case plaintiff's counsel's response at 1:00 p.m.

15 8. I did not receive a response from any of the plaintiffs' counsel on Thursday,
16 August 28, 2008 as promised. Having still not received any response after the holiday weekend, I
17 emailed all plaintiffs' counsel on September 2, 2008, at 8:11 a.m., demanding that plaintiffs
18 respond to my August 25, 2008 letter by noon. Attached as Exhibit 7 is a true and correct copy of
19 my September 2, 2008 email.

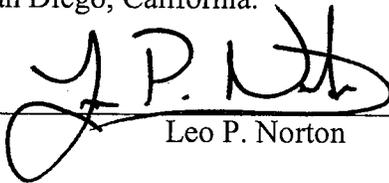
20 9. As of the signing and filing of this declaration, I have not received a response to
21 my August 25, 2008 letter or any of my email communications from the *RK West* case plaintiff's
22 counsel. The *RK West* plaintiff's counsel, who is also the *Almeida* case plaintiff's counsel, is the
23 only plaintiff's counsel that has not responded to my communications, and it is the only plaintiff's
24 counsel that has not responded to my request that Google's time to answer or otherwise respond
25 to the *Levitte*, *RK West*, and *Pulaski* cases complaints be coordinated and that Google be granted
26 an extension of time such that Google's new response deadline in those three cases is on or before
27 September 30, 2008. I have received responses from the *Levitte* and *Pulaski* cases plaintiffs, both
28 of whom take the position that the *Almeida* case is not related but have stipulated to Google's

1 request for a consolidated response deadline of September 30, 2008.

2 10. Late in the morning on September 2, 2008, I received via priority U.S. mail the *RK*
3 *West* case plaintiff's Administrative Motion to Consider Whether Cases Should be Related
4 Pursuant to Civil Local Rule 3-12 and supporting documents that were filed in the *RK West* case.
5 The administrative motion seeks to relate the *Levitte*, *RK West*, and *Pulaski* cases before Judge
6 James Ware.

7 11. Concurrently with the filing of this administrative motion, Google filed an
8 opposition to the *RK West* case plaintiff's administrative motion in the *RK West* case. Attached as
9 Exhibit 8 is a true and correct copy of Google's Opposition to Administrative Motion to Consider
10 Whether Cases Should be Related Pursuant to Civil Local Rule 3-12 filed on September 4, 2008.
11 Attached as Exhibit 9 is a true and correct copy of the Declaration of Leo P. Norton in Support of
12 Opposition to Administrative Motion to Consider Whether Cases Should be Related Pursuant to
13 Civil Local Rule 3-12 filed on September 4, 2008.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct. Executed on September 4, 2008, at San Diego, California.

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18 _____
19 Leo P. Norton
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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2008, I electronically filed the foregoing **DECLARATION OF LEO P. NORTON IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER PUTATIVE CLASS ACTION CASES AGAINST GOOGLE INC. REGARDING ADWORDS ADVERTISING PROGRAM SHOULD BE RELATED (CIVIL L.R. 3-12 & 7-11)** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record at the following listed email addresses.

- **Alyse Deborah Bertenthal**
abertenthal@kvn.com,efiling@kvn.com,kxs@kvn.com
- **Daralyn J. Durie**
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- **Brian S. Kabateck**
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- **Alfredo Torrijos**
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I also hereby certify that I caused the foregoing document to be personally delivered by consigning the document(s) to an authorized courier and/or process server for hand delivery on this 4th day of September, 2008 to the following listed addresses.

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2 R. Alexander Saveri
3 Cadio Zirpoli
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5 111 Pine Street
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7 San Francisco , CA 94111
8 ***Attorneys for Plaintiff Pulaski & Middleman,***
9 ***LLC***

7 Brian S. Kabateck
8 Richard L Kellner
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10 Kabateck Brown Kellner, LLP
11 644 S. Figueroa Street
12 Los Angeles , CA 90017
13 ***Attorneys for Plaintiff RK West, Inc.***
14
15 ***Attorneys for Plaintiff David Almeida***

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20 ***Attorneys for Plaintiff Hal K. Levitte***

18 Hon. Ronald M. Whyte
19 United States District Court
20 Northern District of California
21 280 South 1st Street
22 Courtroom 6, 4th Floor
23 San Jose, CA 95113
24 ***COURTESY COPY***
25 ***RK West, Inc., Case No. 08-cv-03452***

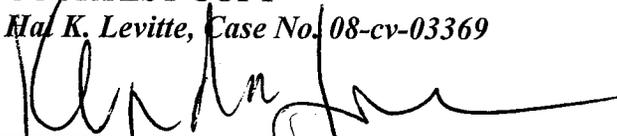
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Northern District of California
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Courtroom 10, 19th Floor
San Francisco, CA 94102
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Pulaski & Middleman, LLC v. Google Inc.,
Case No. 08-cv-03888

Hon. James Ware
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Northern District of California
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