

1 KEKER & VAN NEST, LLP
 2 CHRISTA M. ANDERSON - #184325
 3 DAVID J. SILBERT - #173128
 4 ALYSE BERTENTHAL - #253012
 5 710 Sansome Street
 6 San Francisco, CA 94111
 7 Telephone: (415) 391-5400
 8 Facsimile: (415) 397-7188

9 Attorneys for Defendant
 10 GOOGLE INC.

11 BRIAN S. KABATECK SBN 152054
 12 RICHARD L. KELLNER SBN 171416
 13 ALFREDO TORRIJOS SBN 222458
 14 KABATECK BROWN KELLNER LLP
 15 644 South Figueroa Street
 16 Los Angeles, California 90017
 17 Telephone: (213) 217-5000
 18 Facsimile: (213) 217-5010

19 Attorneys for Plaintiff
 20 DAVID ALMEIDA

21 UNITED STATES DISTRICT COURT
 22 NORTHERN DISTRICT OF CALIFORNIA
 23 SAN JOSE DIVISION

24 DAVID ALMEIDA, individually and on
 25 behalf of all others similarly situated,

26 Plaintiff,

27 v.

28 GOOGLE INC., a Delaware corporation; and
 DOES 1 through 10, inclusive,

Defendants.

Case No. C 08-02088 RMW

**STIPULATION AND [PROPOSED]
 ORDER MODIFYING CASE SCHEDULE**

1 WHEREAS, at the case management conference on August 15, 2008, the parties jointly
2 submitted a proposed schedule which the Court subsequently adopted;

3 WHEREAS, since that time, the parties have been diligently pursuing discovery;

4 WHEREAS, discovery in this matter is taking longer than the parties originally
5 anticipated;

6 WHEREAS, Google has to date produced approximately 180,000 pages of documents,
7 but believes that additional information still remains to be identified, collected, and produced in
8 response to Plaintiff's document requests;

9 WHEREAS, no previous extensions to the case schedule have been requested;

10 NOW THEREFORE, pursuant to the agreement of the parties:

11 IT IS HEREBY STIPULATED THAT, the Scheduling and Case Management Order
12 should be amended to adjust the dates by approximately 120 days, with new dates set as follows:

- 13 • Plaintiff shall file and serve (1) any expert report(s) on class certification; and
14 (2) his motion for class certification no later than August 3, 2009.
- 15 • Defendant shall file and serve (1) any expert report(s) on class certification; and
16 (2) its opposition to class certification no later than September 4, 2009.
- 17 • Plaintiff shall file and serve his reply in support of the motion for class
18 certification no later than September 21, 2009.
- 19 • The parties shall conduct a mediation on or before October 9, 2009.
- 20 • The hearing on Plaintiff's motion for class certification before the Court shall take
21 place on October 19, 2009, or at another date set by the Court.
- 22 • Non-expert discovery shall be completed no later than March 2, 2010.
- 23 • Expert opening reports shall be submitted by March 9, 2010.
- 24 • Expert opposition reports shall be submitted by March 23, 2010.
- 25 • Expert reply reports shall be submitted by April 6, 2010.
- 26 • Expert discovery shall be completed no later than April 13, 2010.

1 SO STIPULATED.

2

3 Dated: _____

KABATECK BROWN KELLNER LLP

4

5

6

By: /s/ Alfredo Torrijos _____

ALFREDO TORRIJOS
Attorneys for Plaintiff and the
Proposed Class
DAVID ALMEIDA

7

8

9

10 Dated: _____

KEKER & VAN NEST, LLP

11

12

By: /s/ David J. Silbert _____

DAVID J. SILBERT
Attorneys for Defendant
GOOGLE INC.

13

14

15

16

[PROPOSED] ORDER

17

IT IS SO ORDERED.

18

19 Dated: _____, 2009

20

21

HON. RONALD M. WHYTE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF
CALIFORNIA

22

23

24

25

26

27

28