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12 Attorneys for Defendant  
 13 GOOGLE INC.

14 **UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN JOSE DIVISION**

18 DAVID ALMEIDA, individually and  
 19 on behalf of all others similarly  
 situated,

20 Plaintiff,

21 vs.

22 GOOGLE, INC., a Delaware  
 23 Corporation; and DOES 1 through 10,  
 inclusive,

24 Defendants.

CASE NO. CV 08-02088 RMW  
 HON. RONALD M. WHYTE

**STIPULATION AND []  
 ORDER TO VACATE THE  
 DEADLINE FOR THE PARTIES TO  
 CONDUCT MEDIATION**

1 Through this Stipulation, and for the reasons set forth below, plaintiff David  
2 Almeida (“Plaintiff”) and defendant Google Inc. (“Defendant”) stipulate to vacate  
3 the deadline to for the parties to conduct mediation:

4 WHEREAS, on or about April 2, 2009, the Court entered a Case  
5 Management Order setting the deadline for the parties to conduct mediation on  
6 October 9, 2009;

7 WHEREAS, the parties and the Mediator agreed to conduct mediation on  
8 September 28, 2009;

9 WHEREAS, the parties agreed to submit Mediation Statements to the  
10 Mediator on September 18, 2009;

11 WHEREAS, on September 11, 2009, Plaintiff filed a motion for leave to file  
12 a first amended complaint and to set a case management conference;

13 WHEREAS, the earliest the Court can hear Plaintiff’s motion is on October  
14 30, 2009;

15 WHEREAS, the parties are in agreement that a mediation prior to the  
16 determination of Plaintiff’s motion for leave to file an amended complaint will be  
17 ineffective and an inefficient use of counsels’ and the mediator’s time.

18 IT IS HEREBY STIPULATED AND AGREED that the deadline for the  
19 parties to conduct mediation should be vacated and a new deadline be set following  
20 a decision on Plaintiff’s motion for leave to file an amended complaint, if  
21 applicable.

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SO STIPULATED.

Dated: September 11, 2009 KABATECK BROWN KELLNER LLP

By: /s/ Michael V. Storti  
Michael V. Storti  
Attorneys for Plaintiff

Dated: September 11, 2009 KEKER & VAN NEST LLP

By: /s/ David J. Silbert  
David J. Silbert  
Attorneys for Defendant

**[] ORDER**

IT IS SO ORDERED.

Dated: 9/25, 2009



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