

1 KEKER & VAN NEST, LLP
 2 CHRISTA M. ANDERSON - #184325
 3 DAVID J. SILBERT - #173128
 4 ALYSE BERTENTHAL - #253012
 710 Sansome Street
 San Francisco, CA 94111-1704
 Telephone: (415) 391-5400
 Facsimile: (415) 397-7188

5 Attorneys for Defendant
 6 GOOGLE INC., a Delaware corporation

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

11 DAVID ALMEIDA, individually and on
 12 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. C 08-02088 RMW

**STIPULATION AND []
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

Judge: Hon. Ronald M. Whyte

Date Comp. Filed: April 22, 2008

Trial Date: None set.

STIPULATION

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WHEREAS, a Case Management Conference in this case is currently set for October 23, 2009;

WHEREAS, plaintiff's Motion to Amend the Complaint to substitute a new class representative, and also to schedule a new Case Management Conference [Doc. #27], is set for hearing a week later, on October 30, 2009;

WHEREAS, Google opposes plaintiff's Motion;

WHEREAS, the parties agree that it would be most efficient for both the Court and the parties for the Court to decide plaintiff's Motion before considering case management issues, as a Case Management Conference will be unnecessary if the Court denies plaintiff's Motion;

NOW THEREFORE, IT IS HEREBY STIPULATED that:

1. The Case Management Conference currently set for October 23, 2009 should be taken off calendar;

2. If the Court grants plaintiff's Motion to Amend, it may then set a new Case Management Conference; and

