1 2 3 4 5 6	KEKER & VAN NEST, LLP CHRISTA M. ANDERSON - #184325 DAVID J. SILBERT - #173128 ALYSE BERTENTHAL - #253012 710 Sansome Street San Francisco, CA 94111-1704 Telephone: (415) 391-5400 Facsimile: (415) 397-7188 Attorneys for Defendant GOOGLE INC., a Delaware corporation	<u>*E-FILED - 10/15/09*</u>
7 8 9		DISTRICT COURT ICT OF CALIFORNIA
10	SAN JOSI	E DIVISION
11 12 13 14	DAVID ALMEIDA, individually and on behalf of all others similarly situated, Plaintiff, v.	Case No. C 08-02088 RMW STIPULATION AND [] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE
15 16 17	GOOGLE, INC., a Delaware corporation; and DOES 1 through 10, inclusive, Defendants.	Judge: Hon. Ronald M. Whyte Date Comp. Filed: April 22, 2008 Trial Date: None set.
18		
19		
20		
21		
22		
23		
24		
25		
26 27		
28		
452637.0	STIPULATION AND [] ORDER TO CONTINUE CASE NO. C	CASE MANAGEMENT CONFERENCE 08-02088 RMW Dockets.

1	STIPULATION		
2	WHEREAS, a Case Management Conference in this case is currently set for October 23,		
3	2009;		
4	WHEREAS, plaintiff's Motion to Amend the Complaint to substitute a new class		
5	representative, and also to schedule a new Case Management Conference [Doc. #27], is set for		
6	hearing a week later, on October 30, 2009;		
7	WHEREAS, Google opposes plaintiff's Motion;		
8	WHEREAS, the parties agree that it would be most efficient for both the Court and the		
9	parties for the Court to decide plaintiff's Motion before considering case management issues, as		
10	a Case Management Conference will be unnecessary if the Court denies plaintiff's Motion;		
11	NOW THEREFORE, IT IS HEREBY STIPULATED that:		
12	1. The Case Management Conference currently set for October 23, 2009 should be		
13	taken off calendar;		
14	2. If the Court grants plaintiff's Motion to Amend, it may then set a new Case		
15	Management Conference; and		
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
	1 STIPULATION AND [] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE		

1	3. If the Court denies plaintiff's Motion to Amend, no further Case Management
2	Conference will be necessary.
3	
4	Dated: October 14, 2009 KEKER & VAN NEST, LLP
5	
6	By: <u>/s/ David J. Silbert</u>
7	David J. Silbert Attorneys for Defendant
8	GOOGLE INC., a Delaware corporation
9	Dated: October 14, 2009   KABATECK BROWN KELLNER LLP
10	
11	By: /s/ Michael v. Storti
12	Michael V. Storti Attorneys for Plaintiff DAVID ALMEIDA
13	
14	
15	[] ORDER
16	IT IS SO ORDERED.
17	The Case Management Conference currently set for October 23, 2009 is hereby
18	VACATED.
19	Dated: 10/15/09
20	
21	By: <u>Monald M. Whyte</u> Honorable Ronald M. Whyte
22	Honorable Ronald M. Whyte United States District Judge
23 24	
24 25	
23 26	
20 27	
27	
20	2
	STIPULATION AND [] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE CASE NO. C 08-02088 RMW

452637.0