

1 KEKER & VAN NEST, LLP  
 CHRISTA M. ANDERSON - #184325  
 2 DAVID J. SILBERT - #173128  
 REBEKAH PUNAK - #248588  
 3 710 Sansome Street  
 San Francisco, CA 94111-1704  
 4 Telephone: (415) 391-5400  
 Facsimile: (415) 397-7188

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

7  
 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. C 08-02088 RMW

**[PROPOSED] ORDER GRANTING  
 DEFENDANT GOOGLE INC.'S MOTION  
 TO DISMISS**

Date: April 2, 2010  
 Time: 9:00 a.m.  
 Dept: 6  
 Judge: Hon. Ronald M. Whyte

Date Comp. Filed: April 22, 2008

Trial Date: None set.

1 Defendant Google Inc. has filed a motion to dismiss with prejudice all claims against it in  
2 this action. Having carefully considered the papers on this motion and the arguments by the  
3 parties, Google's motion is GRANTED. Plaintiff David Almeida lacked standing to pursue his  
4 claims at the time he filed his complaint. Under controlling Ninth Circuit law the Court must  
5 dismiss this action for lack of subject-matter jurisdiction. See Fed. R. Civ. P. 12(b)(1); *Lierboe*  
6 *v. State Farm Mut. Auto. Ins. Co.*, 350 F.3d 1018, 1023 (9th Cir. 2003).

7 IT IS SO ORDERED.

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Dated: \_\_\_\_\_

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HONORABLE RONALD M. WHYTE  
United States District Judge