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8 COUNSEL FOR PLAINTIFF

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 JENNA GODDARD, on her own behalf and
on behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 GOOGLE, INC., a Delaware corporation,

17 Defendant.

Case No. C 08-2738 JF (PVT)

**PLAINTIFF'S MOTION FOR LEAVE
TO FILE SUPPLEMENTAL
AUTHORITY IN SUPPORT OF HER
OPPOSITION TO GOOGLE'S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT**

Date: June 19, 2009

Time: 9:00 a.m.

Judge: The Hon. Jeremy Fogel

1 Fed. R. Civ. P 12(b)(6); and (2) that a Defendant's own promissory conduct altering the
2 baseline immunity established by Section 230 may be sufficient to impose liability on a
3 contractual theory of liability. *Barnes*, 2009 WL 1232367, at *2, 11. Plaintiff believes that the
4 *Barnes* decision prevents the Court from dismissing Plaintiff's claim pursuant to Section 230, as
5 argued by Defendant, and that the decision provides an additional basis for the denial of
6 Defendant's motion as to Count II of the Amended Complaint (Breach of Contract).

7 WHEREFORE, Plaintiff respectfully requests the Court grant her leave to file a short
8 memorandum, not to exceed 5 pages, addressing the effect of the *Barnes* decision on the present
9 motion to dismiss, or for such other relief as this Court deems reasonable and just.

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13 Dated: May 15, 2009

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By: /s/ Alan Himmelfarb

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