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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

HAL K. LEVITTE, individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

GOOGLE, INC., a Delaware
Corporation,

Defendant.

CASE NO. C 08-03369 JW

HON. JAMES WARE

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO
CONSOLIDATE RELATED CASES
PURSUANT TO FED.R.CIV.P.
42(A); APPOINT INTERIM CLASS
COUNSEL PURSUANT TO
FED.R.CIV.P. 23(G)(2); AND
SCHEDULE THE FILING OF
PLAINTIFFS' CONSOLIDATED
COMPLAINT**

Hearing

Date: February 23, 2009

Time: 10:00 a.m.

Courtroom: 8

RK West, Inc., a California Corporation
d/b/a Malibu Wholesale, individually and
on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

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

Defendants.

CASE NO. C 08-03452 JW

HON. JAMES WARE

1 Pulaski & Middleman, LLC,
2 individually and on behalf of all others
3 similarly situated,

4 Plaintiff,

5 v.

6 GOOGLE, INC., a Delaware
7 Corporation,

8 Defendant.

CASE NO. C 08-03888 JW

HON. JAMES WARE

9 JIT Packing, Inc, Individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 GOOGLE, INC., a Delaware
14 Corporation,

15 Defendant.

CASE NO. C 08-04701 JW

HON. JAMES WARE

1 THIS MATTER comes before the Court on joint motion in four related putative
2 class action lawsuits (the “Actions”) presently pending before the Court:

Case Name	Case No.	Date Filed	Judge
<i>Levitte v. Google, Inc.</i>	C 08-03369 JW	7/11/2008	Hon. James Ware
<i>RK West, Inc. v. Google, Inc.</i>	C08-03452 JW	7/14/2008	Hon. James Ware
<i>Pulaski & Middleman, LLC v. Google, Inc.</i>	C 08-03888 JW	8/14/2008	Hon. James Ware
<i>JIT Packing, Inc. v. Google, Inc.</i>	C 08-04701 JW	10/10/2008	Hon. James Ware

11 Plaintiffs in all four of these putative class action lawsuits seek to represent
12 substantially the same proposed class of people for essentially the same claims. The four
13 putative class action lawsuits are based on similar factual allegations and are asserted
14 against the same defendant, Google, Inc. Through the present motion, the plaintiffs in
15 these actions, Hal K. Levitte, RK West, Inc., Pulaski & Middleman, LLC, and JIT
16 Packing, Inc. (collectively, “Plaintiffs”), jointly seek to have their separate actions
17 consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. The Court
18 has reviewed the files and records herein and GRANTS the motions as follows.

19 IT IS ORDERED, ADJUDGED AND DECREED THAT:

20 (1) The four cases listed above are hereby consolidated for all purposes
21 pursuant to Federal Rules of Civil Procedure, Rule 42(a) under United States District
22 Court Northern District of California, San Jose Division Master Case No C 08-03369 JW.
23 Every pleading filed in the consolidated action shall bear the following caption: *Hal K.*
24 *Levitte v. Google Inc.*

1 (2) Without prejudicing the propriety of class certification, the Court hereby
2 appoints the following firms as interim class counsel pursuant to Federal Rules of Civil
3 Procedure, Rule 23(g)(2):

- 4 (a) Schubert Jonckheer Kolbe & Kralowec LLP;
- 5 (b) Kabateck Brown Kellner LLP;
- 6 (c) Foote, Meyers, Mielke & Flowers, LLC; and
- 7 (d) Saveri & Saveri, Inc.

8 (3) The firm of Schubert Jonckheer Kolbe & Kralowec LLP will serve as
9 liaison counsel, and is designated to accept manual service on behalf of all plaintiffs.

10 (4) Any subsequently filed complaints asserting similar claims shall be
11 consolidated herewith for all purposes and subject to this Order.

12 (5) Plaintiffs' Consolidated Complaint shall be filed and served no later than
13 forty-five (45) days after the entry of this Order.

14 (6) Defendant's response to Plaintiffs' Consolidated Complaint shall be filed
15 no later than forty-five (45) days after the filing and service of Plaintiffs' Consolidated
16 Complaint.

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18 DATED:

19 Hon. James Ware
20 United States District Judge
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