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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

29 HAL K. LEVITTE, individually and on
30 behalf of all others similarly situated,
31
32 Plaintiff,
33 v.
34 GOOGLE, INC., a Delaware corporation,
35
36 Defendant.

37 Case No. 08-03369-JW
38
39 **PLAINTIFF PULASKI & MIDDLEMAN,**
40 **LLC'S ADMINISTRATIVE MOTION TO**
41 **CONSIDER WHETHER CASES SHOULD**
42 **BE RELATED**

1 This Document Relates to:
2 PULASKI & MIDDLEMAN, LLC,
3 individually and on behalf of all others
4 similarly situated,
5
6 Plaintiff,
7 v.
8 GOOGLE, INC., a Delaware corporation,
9
10 Defendant.

11 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

12 PLEASE TAKE NOTICE that plaintiff Pulaski & Middleman, LLC submits this
13 Administrative Motion to Consider Whether Cases Should Be Related pursuant to Civil Local
14 Rule 3-12.

15 **A. RELATED CASES**

16 1. *Levitte v. Google, Inc.*, (“*Levitte*”) Case No. 08-03369-JW, complaint filed July
17 11, 2008 in the Northern District of California and assigned to the Honorable James Ware.

18 2. *RK West, Inc. v. Google, Inc.*, (“*RK West*”) Case No. 08-03452-RS, complaint
19 filed July 17, 2008 in the Northern District of California and assigned to the Honorable Ronald
20 Whyte.¹

21 3. *Pulaski & Middleman, LLC v. Google, Inc.*, (“*Pulaski & Middleman*”) Case No.
22 08-3888-SI, complaint filed August 14, 2008 in the Northern District of California and assigned
23 to the Honorable Susan Illston.

24 **B. RELATIONSHIP OF THE ACTIONS**

25 This administrative motion is made on the grounds that the three actions referred to above
26 involve substantially similar subject matter: Google AdWord’s misleading practice of charging

27 ¹ On August 29, 2008, plaintiff RK West filed an Administrative Motion to Consider Whether
28 Cases Should Be Related, also seeking to relate the three above-mentioned actions before the
Honorable James Ware.

1 for ads placed on parked domain and error pages. Plaintiffs in *Levitte, RK West, and Pulaski &*
2 *Middleman* all assert claims for violations of California Business and Professions Code against
3 the same sole defendant.

4 It appears likely that there will be an unduly burdensome duplication of labor and expense
5 or the possibility of conflicting results if the cases are conducted before different Judges.
6 Relating the cases will help eliminate duplicative discovery, prevent inconsistent pretrial rulings,
7 and conserve the resources of the parties, their counsel, and the judiciary.

8 **C. CONCLUSION**

9 The actions referred to above satisfy the criteria of Rule 3-12. Therefore plaintiff Pulaski
10 & Middleman, LLC respectfully requests that the cases be deemed related and that they be
11 assigned to the Honorable James Ware, the Judge assigned to the low numbered case, *Levitte v.*
12 *Google, Inc.*, Case No. 08-03369-JW.

13
14 DATED: September 2, 2008

SAVERI & SAVERI, INC.

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16 */s/ Cadio Zirpoli*

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