1   ROBERT C. SCHUBERT S.B.N. 62684
    WILLEM F. JONCKHEER S.B.N. 178748
2   KIMBERLY A. KRALOWEC S.B.N. 163158
    SCHUBERT JONCKHEER KOLBE & KRALOWEC LLP
3   Three Embarcadero Center, Suite 1650
    San Francisco, CA 94111
4   Telephone: (415) 788-4220
    Facsimile: (415) 788-0161
5
    Lead Counsel for Plaintiffs
6

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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

11

12   IN RE GOOGLE ADWORDS LITIGATION   Case No. 08-3369 JW

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14   **STIPULATION AND [PROPOSED]
                                            ORDER MODIFYING CLASS
15   DISCOVERY AND EXPERT
                                            DISCLOSURE SCHEDULE**
16   This Document Relates to:

17   All Actions

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21   WHEREAS, by order dated February 25, 2009, the Court consolidated four related actions

22   under the foregoing caption, and appointed lead counsel for plaintiffs;

23   WHEREAS, by separate order dated February 25, 2009 ("February Scheduling Order"), the

24   Court bifurcated class certification and merits discovery in this action, and set deadlines for (1) the

25   filing of the Consolidated Amended Complaint on April 6, 2009, (2) the answer of defendant

26   Google Inc. ("Google") to the Consolidated Amended Complaint on April 30, 2009, (3) the close

27   of class certification discovery on November 2, 2009, and (4) the hearing on plaintiffs' motion for

28   class certification on December 7, 2009;

(left margin, vertical text) SCHUBERT JONCKHEER KOLBE & KRALOWEC LLP
Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
(415) 788-4220

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1   WHEREAS, by stipulation of the parties and order dated April 3, 2009, the Court

2   continued the filing date of the Consolidated Amended Complaint to April 24, 2009, and the filing

3   date for Google's answer or response to the Consolidated Amended Complaint to May 18, 2008;

4   WHEREAS, the Consolidated Amended Complaint was filed on April 24, 2009 and

5   Google answered the Consolidated Amended Complaint on May 18, 2009;

6   WHEREAS, on May 27, 2009, plaintiffs served their first request for production of

7   documents of defendant Google;

8   WHEREAS, on June 11, 2009, the parties exchanged Rule 26 initial disclosures;

9   WHEREAS, on July 13, 2009, defendant Google served its responses to plaintiff's first

10   request for production of documents, and served its first request for production of documents and

11   interrogatories on plaintiffs;

12   WHEREAS, by order dated August 21, 2009, the Court related the newly filed action

13   Olabode v. Google, Inc., No. 09-3414-JL to this consolidated action;

14   WHEREAS, the parties have finalized stipulations relating to discovery in this matter,

15   including a stipulated expert witness discovery order and a stipulated protective order;

16   WHEREAS, the parties have met and conferred regarding an appropriate schedule, and

17   agree that the February Scheduling Order does not permit sufficient time for orderly class

18   certification discovery, including expert discovery, in light of the early status of discovery;

19   WHEREAS, the parties have agreed on a schedule, set forth below, which they believe will

20   provide sufficient time for orderly class certification discovery, including expert discovery;

21   WHEREAS, the parties are continuing to negotiate the scheduling of expert disclosure

22   dates and reports in connection with plaintiff's motion for class certification, and intend to seek

23   assistance of the Court at the September 14, 2009 Case Management Conference in this matter,

24   should they fail to reach an agreement;

25   NOW THEREFORE, plaintiffs and defendant Google, by and through their respective

26   counsel, stipulate and, and request the Court to order, as follows:

27   1.   The deadlines set forth in the February Scheduling Order shall be modified as

28   follows:

MODIFIED CASE SCHEDULE

Date	Event
March 10, 2010	Close of class discovery.
May 24, 2010	Close of class expert discovery.
July 26, 2010, at 9:00 a.m.	Hearing on motion regarding class certification (the parties shall notice their motion regarding class certification in accordance with the Civil Local Rules of this Court).

2. The provisions of paragraphs 4-5 of the February Scheduling Order, as herein modified, shall apply only to expert witness testimony with respect to class certification. Deadlines and requirements for expert witness testimony to be presented at trial shall be set forth in one or more future Orders of the Court.

3. The parties shall cooperate in the scheduling and completion of depositions of expert witnesses.

Dated: August 31, 2009   SCHUBERT JONCKHEER KOLBE &
KRALOWEC LLP
ROBERT C. SCHUBERT S.B.N. 62684
WILLEM F. JONCKHEER S.B.N. 178748
KIMBERLY A. KRALOWEC S.B.N. 163158

By: /s/Willem F. Jonckheer
           Willem F. Jonckheer

Attorneys for Plaintiffs

Dated: August 31, 2009   COOLEY GODWARD KRONISH LLP

By: /s/Leo P. Norton
           Leo P. Norton

Attorneys for Defendant GOOGLE, INC.

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ATTESTATION OF FILER

I, Willem F. Jonckheer, hereby attest that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: August 31, 2009

SCHUBERT JONCKHEER KOLBE & KRALOWEC LLP

By: /s/Willem F. Jonckheer
                Willem F. Jonckheer

Attorneys for Plaintiffs

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO ORDERED

Dated: August ___, 2009

By:
        Hon. James Ware
        UNITED STATES DISTRICT JUDGE

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