

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
 7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

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

11
 12 IN RE GOOGLE ADWORDS LITIGATION
 13
 14
 15
 16 This Document Relates to:
 17 All Actions
 18
 19

Case No. 08-3369 JW

20
 21
 22
 23
 24
 25
 26
 27
 28

**STIPULATION AND [PROPOSED]
 ORDER REGARDING METHOD OF ADR
 SELECTED BY THE PARTIES**

1 WHEREAS, the first of five related class actions against defendant Google Inc. was filed
2 on July 11, 2008;

3 WHEREAS, by order dated February 25, 2009 the Court ordered consolidation of the
4 related actions under the foregoing caption, and appointed lead counsel;

5 WHEREAS, by order dated September 17, 2009, the Court established a schedule for
6 discovery regarding class certification, and set a hearing date for plaintiffs' anticipated motion for
7 class certification on September 20, 2010;

8 WHEREAS, on January 5, 2009, pursuant to the requirements of the Court's ADR
9 Program, the parties filed the required Stipulation and Proposed Order Selecting ADR Process
10 ("ADR Stipulation"), attached hereto as Exhibit A, pursuant to which the parties (1) stipulated to
11 mediation; and (2) requested the Court to extend the presumptive deadline for mediation until 90
12 days from the date of the order on plaintiffs' anticipated motion for class certification;

13 WHEREAS, on January 16, 2009 the Court signed the ADR Stipulation and ordered this
14 case to mediation, pursuant to the parties' agreement;

15 WHEREAS, by selecting "Mediation" on the ADR Stipulation, the parties intended for the
16 matter to proceed to private mediation at the designated time, not for its inclusion in the ADR
17 Program's court-sponsored mediation;

18 WHEREAS, on or about November 2, 2009, counsel for plaintiffs discussed these matters
19 with a staff attorney from the Court's ADR Program, who requested a clarifying stipulation that
20 any mediation conducted pursuant to the ADR Stipulation would be private mediation;

21 THEREFORE, the parties hereby stipulate, and request the Court to order, that this matter
22 shall be removed from inclusion in the Court's ADR Program, and shall proceed to private
23 mediation pursuant to the terms of the parties' agreement.

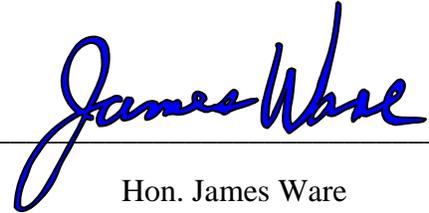
24
25
26
27
28

SCHUBERT JONCKHEER KOLBE & KRALLOWEC LLP
Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
(415) 788-4220

ORDER

For the reasons set forth herein, and pursuant to the parties' agreement, this matter is hereby removed from the Court's ADR Program in favor of private mediation, and the presumptive deadline for private mediation shall be extended until 90 days from the date of the order on plaintiffs' anticipated motion for class certification.

Dated: January 4, 2010



Hon. James Ware

SCHUBERT JONCKHEER KOLBE & KRALLOWEC LLP
Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
(415) 788-4220

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAL K. LEVITTE,

CASE NO. 08-cv-03369-JW RS

Plaintiff(s),

v.

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS

GOOGLE INC.,

Defendant(s).

_____ /

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ✓ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

- ✓ other requested deadline The parties request that the Court extend the presumptive deadline for mediation until 90 days from the date of the order on plaintiff's anticipated motion for class certification.

Dated: 1/5 /2009

s/Willem F. Jonckheer
Attorney for Plaintiff

Dated: 1/5 /2009

s/Leo P. Norton
Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

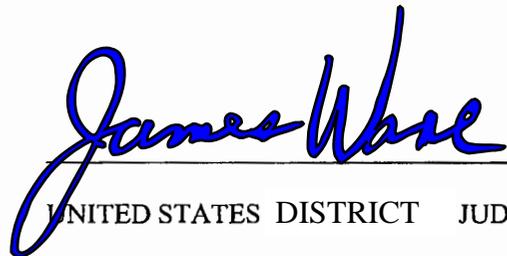
- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- ✓ Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- ✓ other 90 days from the date of the order on plaintiff's anticipated motion for class certification.

IT IS SO ORDERED.

Dated: Jan 16, 2009


UNITED STATES DISTRICT JUDGE