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

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 12 IN RE GOOGLE ADWORDS LITIGATION
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 16 This Document Relates to:
 17 All Actions
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Case No. 08-3369 JW

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**STIPULATION AND [PROPOSED]
 ORDER ADDING AND DROPPING
 PARTIES**

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1 WHEREAS, by order dated February 25, 2009 the Court consolidated four related class
2 actions under the foregoing caption, and appointed the law firm of Schubert Jonckheer Kolbe &
3 Kralowec LLP as interim lead counsel (Docket #40);

4 WHEREAS, on April 24, 2009, plaintiffs filed the Consolidated Class Action Complaint in
5 this matter (Docket #45);

6 WHEREAS, on May 18, 2009, defendant Google, Inc. ("Google") filed its answer to the
7 Consolidated Class Action Complaint;

8 WHEREAS, on July 27, 2009, the action Olabode v. Google Inc., No. 09-3414 JW was
9 filed in this Court, which action is based on the same alleged facts and circumstances concerning
10 Google's AdWords program at issue in the consolidated action;

11 WHEREAS, on August 21, 2009, the Court issued an order relating Olabode to the
12 consolidated action, In re Google AdWords Litigation, No. 08-3369 JW;

13 WHEREAS, on October 2, 2009, the Court issued an order consolidating Olabode into the
14 consolidated action, and, pursuant to Federal Rule of Civil Procedure 21, added plaintiff Olabode
15 as a party;

16 WHEREAS, after October 10, 2009, plaintiff Olabode died;

17 WHEREAS, the parties agree that, pursuant to Federal Rule of Civil Procedure 21, plaintiff
18 Olabode should now be dropped from the consolidated action without prejudice;

19 WHEREAS, lead counsel for plaintiffs have been retained to file a new action on behalf of
20 additional plaintiffs, West Coast Cameras, Inc. and Richard Oesterling, and to bring claims on their
21 behalf based on the same alleged facts and circumstances concerning Google's AdWords program
22 at issue in the consolidated action;

23 WHEREAS, to avoid the time and expense associated with filing a new complaint and
24 having it related and then consolidated with this one, the parties agree that, pursuant to Federal
25 Rule of Civil Procedure 21, plaintiffs West Coast Cameras, Inc. and Mr. Oesterling should be
26 added to the consolidated action as parties plaintiff;

27 WHEREAS, to facilitate discovery from the proposed new plaintiffs and to minimize the
28 prejudice to Google in adding new plaintiffs at this stage of the litigation, plaintiffs and Google
agree as follows: (1) plaintiffs will supplement their initial disclosures no later than 10 days after

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1 the Court enters an order approving this stipulation, and (2) plaintiffs West Coast Cameras, Inc.
2 and Mr. Oesterling will respond to the interrogatories and requests for production of documents
3 and things that Google propounded on plaintiff JIT Packaging, Inc., as if such discovery requests
4 had been propounded on plaintiffs West Coast Cameras, Inc. and Mr. Oesterling, and will do so no
5 later than 10 days after the Court enters an order approving this stipulation;

6 WHEREAS, to facilitate the addition of West Coast Cameras, Inc. and Mr. Oesterling to
7 the existing Consolidated Class Action Complaint, and pursuant to Federal Rule of Civil Procedure
8 15(a)(2), the Complaint should be ordered amended to add following new paragraph 10A:

9 10A. West Coast Cameras, Inc. is an S Corporation organized and existing under
10 the laws of the State of Washington, and is a citizen of the State of Washington.
11 West Coast Cameras, Inc. sells cameras and camera products. Richard Oesterling is
12 an individual and a citizen of the State of Washington who, during the class period,
13 was a sole proprietor doing business as KB Cameras, a store that sold cameras and
14 camera products. During the class period, West Coast Cameras, Inc. and Mr.
15 Oesterling contracted with Google to place advertising through Google's AdWords
16 program, paid for clicks from ads placed on parked domain and error pages, and
17 were damaged thereby.

18 WHEREAS, the parties agree that Google's answer filed on May 18, 2009 shall be deemed
19 responsive to the Consolidated Class Action Complaint, so amended, and pursuant to Federal Rule
20 of Civil Procedure 15(a)(2), the Answer shall be ordered amended to add the following new
21 paragraph 10A:

22 10A. Google admits that plaintiffs West Coast Cameras, Inc. and Richard
23 Osterling contracted for and used Google's AdWords advertising program.
24 Except as expressly admitted herein, Google lacks knowledge or information
25 sufficient to form a belief as to the truth of the allegations in paragraph 10A, and
26 on that basis, denies them.

27 THEREFORE, the parties hereby stipulate, and request the Court to order, as follows:

- 28 1. Pursuant to Federal Rule of Civil Procedure 21, plaintiff Olabode is dropped from
the consolidated action as a party plaintiff, without prejudice.
2. Pursuant to Federal Rule of Civil Procedure 21, plaintiffs West Coast Cameras, Inc.
and Richard Oesterling are hereby added to the consolidated action as parties plaintiff.

