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11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN JOSE DIVISION**

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14 IN RE GOOGLE ADWORDS LITIGATION

Case No. 08-3369 JW

**UNOPPOSED MOTION FOR
 ADMINISTRATIVE RELIEF FOR
 ENTRY OF STIPULATED MODIFIED
 CASE MANAGEMENT SCHEDULE**

15 This Document Relates to:
 16
 17
 18 All Actions

[LR 7-11, 16-2(d)]

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1 **INTRODUCTION**

2 This is a class action under Federal Rule 23 against defendant Google, Inc. (“Google”) for
3 violation of California Business & Professions Code Sections 17200 and 17500 in connection with
4 Google’s AdWords program for Internet advertisers. Plaintiffs allege that Google has harmed
5 plaintiffs and the class by improperly charging them for clicks from advertising placed on certain
6 kinds of websites. On September 17, 2009, following a case management conference, the Court
7 issued an order setting forth certain deadlines for the completion of class discovery in this matter,
8 and establishing a schedule for the motion for class certification, to be heard on September 20,
9 2010. As set forth below, since that time, the parties have diligently conducted discovery
10 proceedings and, following a meet and confer, have stipulated to a short extension of the current
11 deadlines to accommodate remaining discovery. The parties filed a stipulated modified case
12 management plan on February 22, 2010 (Docket #75), and plaintiffs hereby move for its entry.

13 **PROCEDURAL HISTORY AND ARGUMENT**

14 By orders dated February 25, 2009 the Court consolidated four related class actions under
15 the foregoing caption, appointed interim lead counsel, and bifurcated class and merits discovery in
16 this action. On April 24, 2009, plaintiffs filed the Consolidated Class Action Complaint. On May
17 18, 2009, Google filed its answer to the Consolidated Class Action Complaint.

18 Discovery commenced promptly thereafter. On May 27, 2009, plaintiffs served document
19 requests on Google, and on July 13, 2009, Google served document requests and interrogatories on
20 plaintiffs. The parties exchanged initial disclosures on June 11, 2009. Plaintiffs served responses
21 and objections to Google’s document requests and interrogatories on September 18, 2009, and
22 Google served responses and objections to plaintiffs’ document requests on July 13, 2009. In
23 connection with the foregoing discovery, the parties negotiated (1) a document production protocol
24 governing the format of the parties’ document production; (2) a Stipulated Protective Order,
25 entered by the Court on August 31, 2009, and (3) a Stipulated Expert Witness Discovery Order,
26 filed with the Court on August 31, 2009, but not yet entered by the Court.

27 In response to plaintiffs’ initial document requests, Google commenced a rolling
28 production of documents in early November 2009, with additional productions occurring in

1 December 2009, January 2010, and March 2010, amounting to over 350,000 images to date.
2 Plaintiffs are advised that Google expects that its document production in response to plaintiffs'
3 initial document requests will be completed by March 31, 2010. Plaintiffs made a document
4 production of their own in December 2010.

5 In addition to the foregoing discovery practice, the parties also stipulated to the addition of
6 new plaintiffs, first adding plaintiff Bolaji Olabode ("Olabode") to the consolidated action by
7 stipulation and order dated October 2, 2009, later dropping Olabode after he died and adding
8 plaintiffs West Coast Cameras, Inc. and Richard Oesterling. In connection with the foregoing, by
9 order of the Court dated February 17, 2010, plaintiffs filed an amended complaint on February 22,
10 2010, and Google filed an amended answer on March 4, 2010. On January 16, 2010, the Court also
11 entered the parties' stipulated order extending the presumptive deadline for private mediation to 90
12 days following the Court's ruling on class certification.

13 On September 17, 2009, the Court issued an order setting the following case management
14 schedule:

15 May 24, 2010: class certification discovery completion, including expert discovery;

16 July 9, 2010: deadline for filing the motion for class certification;

17 August 27, 2010: completion of all briefing on the motion for class certification;

18 September 20, 2010: hearing on the motion for class certification.

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20 Given the scope of discovery and Google's rolling production of documents through March
21 2010, and the need to perform additional discovery by the parties, including expert discovery and
22 depositions based on Google's yet-to-be completed document production, plaintiffs proposed, and
23 Google agreed, to modify the case management schedule. The parties stipulated to a continuance
24 of 2 ½ months for the hearing on class certification, including corresponding extensions for (1)
25 completion of class discovery; and (2) filing dates for all briefing related to class certification. The
26 parties also agreed to an orderly schedule for expert discovery which did not previously exist,
27 including specific dates for exchange of opening and rebuttal reports, and expert depositions.

28 The proposed modified dates are as follows:

1 August 20, 2010: exchange of expert reports;
2 September 10, 2010: exchange of expert rebuttal reports;
3 September 17, 2010 and October 4, 2010: expert depositions;
4 October 4, 2010: completion of class certification discovery;
5 October 11, 2010: opening brief in support of a motion for class certification;
6 November 8, 2010: opposition brief to a motion for class certification;
7 November 22, 2010: reply brief on a motion for class certification;
8 December 6, 2010: hearing on motion for class certification.

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11 A copy of the parties' Stipulation and [Proposed] Order Modifying Case Management
12 Schedule, filed with the Court on February 22, 2010 (Docket #75), is attached to the Declaration of
13 Willem F. Jonckheer, filed herewith. The parties believe that the proposed modified schedule,
14 subject to approval by the Court, will ensure the efficient, orderly and complete litigation of class
15 certification issues raised in this action. The parties have met and conferred regarding this motion,
16 and Google does not oppose this motion and respectfully requests that the Court enter the
17 requested stipulation.

18 **CONCLUSION**

19 For the foregoing reasons, plaintiffs' unopposed motion for administrative relief should be
20 granted.

21 Dated: March 9, 2010

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