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Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE GOOGLE ADWORDS LITIGATION

Case No. 08-3369 JW

This Document Relates to:

All Actions

**DECLARATION OF WILLEM F.
JONCKHEER IN SUPPORT OF
UNOPPOSED MOTION FOR
ADMINISTRATIVE RELIEF FOR
ENTRY OF STIPULATED MODIFIED
CASE MANAGEMENT SCHEDULE**

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

1 I, Willem F. Jonckheer, declare as follows:

2 1. I am one of the counsel for plaintiffs in this matter. I make this declaration of my
3 personal knowledge, and, if called and sworn as a witness, I would and could testify competently
4 hereto.

5 2. This is a class action under Federal Rule 23 against defendant Google, Inc.
6 (“Google”) for violation of California Business & Professions Code Sections 17200 and 17500 in
7 connection with Google’s AdWords program for Internet advertisers. Plaintiffs allege that Google
8 has harmed plaintiffs and the class by improperly charging them for clicks from advertising placed
9 on certain kinds of websites.

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

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

23 5. In response to plaintiffs’ initial document requests, Google commenced a rolling
24 production of documents in early November 2009, with additional productions occurring in
25 December 2009, January 2010, and March 2010, amounting to over 350,000 images to date.
26 Plaintiffs are advised that Google expects that its document production in response to plaintiffs’
27 initial document requests will be completed by March 31, 2010. Plaintiffs made a document
28 production of their own in December 2010.

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

7. Given the scope of discovery and Google’s rolling production of documents through March 2010, and the need to perform additional discovery by the parties, including expert discovery and depositions based on Google’s yet-to-be completed document production, plaintiffs proposed, and Google agreed, to modify the case management schedule, subject to approval of the Court.

8. The parties stipulated to a continuance of 2 ½ months for the hearing on class certification, including corresponding extensions for (1) completion of class discovery; and (2) filing dates for all briefing related to class certification. The parties also agreed to an orderly schedule for expert discovery which did not previously exist, including specific dates for exchange of opening and rebuttal reports, and expert depositions.

9. A copy of the parties’ Stipulation and [Proposed] Order Modifying Case Management Schedule, filed with the Court on February 22, 2010 (Docket #75), is attached hereto as Exhibit A. The parties have met and conferred regarding this motion, and Google does not oppose this motion and respectfully requests that the Court enter the requested stipulation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 9, 2010

/s/

Willem F. Jonckheer

EXHIBIT A

ROBERT C. SCHUBERT S.B.N. 62684
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Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE GOOGLE ADWORDS LITIGATION

Case No. 08-3369 JW

**STIPULATION AND [PROPOSED]
ORDER MODIFYING CASE
MANAGEMENT SCHEDULE**

This Document Relates to:

All Actions

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WHEREAS, by orders dated February 25, 2009 the Court consolidated four related class actions under the foregoing caption, appointed interim lead counsel, and bifurcated class and merits discovery in this action;

WHEREAS, on April 24, 2009, plaintiffs filed the Consolidated Class Action Complaint;

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

WHEREAS, on May 27, 2009, plaintiffs served document requests on Google, and on July 13, 2009, Google served document requests and interrogatories on plaintiffs;

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

WHEREAS, plaintiffs served responses and objections to Google's document requests and interrogatories on September 18, 2009, and Google served responses and objections to plaintiffs' document requests on July 13, 2009;

WHEREAS, in connection with the foregoing discovery, the parties negotiated (1) a document production protocol governing the parties' document production; (2) a Stipulated Protective Order, entered by the Court on August 31, 2009, and (3) a Stipulated Expert Witness Discovery Order, filed with the Court on August 31, 2009, but not yet entered by the Court;

WHEREAS, in response to plaintiffs' initial document requests, Google commenced a rolling production of documents in early November 2009, with additional productions occurring in December 2009 and January 2010, amounting to over 306,000 pages to date;

WHEREAS, on or about January 14, 2010, counsel for Google advised plaintiffs that additional production of documents will occur;

WHEREAS, plaintiffs are advised that Google expects that its document production in response to plaintiffs' initial document requests will be completed by March 31, 2010;

WHEREAS, following a case management conference on September 15, 2009, the Court issued an order setting the following schedule: (1) May 24, 2010: class certification discovery cut-off, including expert discovery; (2) July 9, 2010: deadline for filing plaintiffs' motion for class certification; (3) August 27, 2010: completion of all briefing on plaintiffs' motion for class certification; and (4) September 20, 2010: hearing on plaintiffs' motion for class certification.

WHEREAS, given the scope of discovery and Google's continued rolling production of documents, and the need to perform any additional discovery by the parties, including contemplated expert discovery and depositions, plaintiffs proposed, and defendant Google has agreed, to modify the case management schedule, subject to approval by the Court;

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

1. The hearing date for a motion for class certification shall be continued to December 6, 2010.
2. Expert reports shall be exchanged on August 20, 2010.
3. Expert rebuttal reports shall be exchanged on September 10, 2010.
4. Expert depositions shall occur between September 17, 2010 and October 4, 2010.
5. The class certification discovery cut-off shall be October 4, 2010.
6. The opening brief in support of a motion for class certification shall be filed on October 11, 2010.
7. The opposition brief to a motion for class certification shall be filed on November 8, 2010.
8. The reply brief on a motion for class certification shall be filed on November 22, 2010.

Dated: February 22, 2010

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KRALOWEC LLP
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WILLEM F. JONCKHEER S.B.N. 178748
KIMBERLY A. KRALOWEC S.B.N. 163158

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

Lead Counsel for Plaintiffs

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1 Dated: February 22, 2010

COOLEY GODWARD KRONISH LLP

2
3 By: /s/Leo P. Norton
Leo P. Norton

4 Attorneys for Defendant GOOGLE, INC.

5
6 **ATTESTATION OF FILER**

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

9
10 Dated: February 22, 2010

SCHUBERT JONCKHEER KOLBE &
KRALOWEC LLP

11
12 By: /s/Willem F. Jonckheer
13 Willem F. Jonckheer

14 Attorneys for Plaintiffs

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ORDER

Good cause appearing, pursuant to the stipulation of the parties:

1. The hearing date for a motion for class certification shall be continued to December 6 8, 2010.
2. Expert reports shall be exchanged on August 20, 2010.
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Hon. James Ware