

1 COOLEY GODWARD KRONISH LLP  
 MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)  
 2 LEO P. NORTON (216282) (lnorton@cooley.com)  
 4401 Eastgate Mall  
 3 San Diego, CA 92121  
 Telephone: (858) 550-6000  
 4 Facsimile: (858) 550-6420

5 COOLEY GODWARD KRONISH LLP  
 PETER J. WILLSEY (*pro hac vice application pending*)  
 6 (pwillsey@cooley.com)  
 777 6th Street, NW  
 7 Washington, D.C. 20001  
 Telephone: (202) 842-7800  
 8 Facsimile: (202) 842-7899

9 Attorneys for Defendant  
 GOOGLE INC.

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

15 PULASKI & MIDDLEMAN, LLC.,  
 16 individually and on behalf of all others  
 similarly situated,  
 17 Plaintiff,  
 18 v.  
 19 GOOGLE INC., a Delaware corporation,  
 20 Defendant.

Case No. 08-CV-03888 SI

**DEFENDANT GOOGLE INC.'S  
 NOTICE OF PENDENCY OF OTHER  
 ACTION (CIV. L.R. 3-13)**

22 Defendant Google Inc., by and through its undersigned counsel of record, hereby notifies  
 23 the Court and all opposing parties pursuant to Civil Local Rule 3-13 that this action involves the  
 24 same subject matter and the same parties as another action that is pending in another federal  
 25 district court.

26 The action is entitled *JIT Packaging, Inc. v. Google, Inc.*, Case No. 08-CV-4543 (N.D.  
 27 Ill.) (filed August 11, 2008) ("*JIT Packaging Action*"). A true and correct copy of the complaint  
 28

1 in that action is attached hereto as Exhibit A.

2 The *JIT Packaging* Action is related to this action because it is nearly identical to this  
3 action, alleges contract and statutory claims against Google arising out of Google's AdWords  
4 advertising program, is premised on allegations regarding parked domains and error web pages, is  
5 also styled as a class action, and asserts an overlapping putative class of Google AdWords  
6 customers.

7 Google is in the process of seeking to have that action dismissed or alternatively  
8 transferred (FED. R. CIV. P. 12(b)(3); 28 U.S.C. § 1404(a)) to this district based on a forum  
9 selection clause in the Google Inc. Advertising Program Terms that mandates that the action be  
10 filed in Santa Clara County, California. If Google's efforts are not successful, Google will seek  
11 to have the action transferred to this district under 28 U.S.C. § 1407. Until the *JIT Packaging*  
12 action is re-filed or transferred here, to avoid conflicts, conserve resources, and promote an  
13 efficient determination of the action, Google respectfully requests that this action (and the related  
14 actions pending in this district) be stayed.

15 Dated: September 30, 3008

COOLEY GODWARD KRONISH LLP  
MICHAEL G. RHODES (116127)  
PETER J. WILLSEY (*pro hac vice appl. pending*)  
LEO P. NORTON (216282)

18  
19 /s/Leo P. Norton

Leo P. Norton  
Attorneys for Defendant  
GOOGLE INC.  
Email: lnorton@cooley.com

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