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10 Megan Marek

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

14 IN RE GOOGLE BUZZ USER
15 PRIVACY LITIGATION

Case No. 5:10-CV-00672-JW

CLASS ACTION

16
17 This Document Relates To:

18 ALL CASES

**CLASS MEMBER MEGAN
MAREK'S REPLY TO
RESPONSE TO REQUEST FOR
CONTINUANCE OR, IN THE
ALTERNATIVE, REQUEST FOR
TELEPHONIC APPEARANCE**

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23 Approximately ten days prior to the final fairness hearing ("Hearing") set for
24 January 31, 2011, which date had been set since at least November 2, 2010 when the
25 Notice to Class Members was distributed via email to a class consisting of more
26 than 37 million members, the Court *sua sponte* continued the Hearing from January 31,
27 2011 to February 7, 2011. Objecting class member Megan Marek's ("Objector") counsel
28 did not receive notice of the continuance until January 24, 2011 – one week prior to the

1 original hearing date. Accordingly, counsel for Objector, and possibly others, now have
2 calendar conflicts.

3 Class counsel indicated in its response to Objector's Request for Continuance that
4 "eight sets of objectors and/or class members have entered notice that they will appear at
5 the Fairness Hearing as well." Indeed, these class members entered notice that they would
6 appear at the *January 31, 2011* hearing. However, Objector doubts that anyone checked
7 with them to see if they will now be appearing at the February 7, 2011 hearing.

8 Objector realizes and appreciates the Court's need to manage its busy calendar, and
9 understands the difficulties in coordinating the schedules of numerous counsel. That is
10 why Objector framed her Request for Continuance with an alternative request for
11 telephonic appearance. However, given Objector's counsel's experience with appearances
12 by telephone, this is not the best solution.

13 Objector prefers that her counsel be accommodated by a further continuance in light
14 of the inherent shortcomings of telephonic appearances given the available technology.
15 Nevertheless, if the Court is not inclined to grant a continuance due to the difficulty of
16 coordinating a multitude of calendars, Objector respectfully requests the next best relief in
17 the form of appearance by telephone.

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19 Dated: January 26, 2011

Respectfully submitted,

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21 LAW OFFICE OF JOHN W. DAVIS

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24 By: /s/ John W. Davis
25 John W. Davis
26 Counsel for Megan Marek
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