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 14 Additional Counsel Listed on Signature Page

15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

17 MARY MCKINNEY, Individually and on )	5:10-cv-01177-EJD (Hon. Edward J. Davila)
18 behalf of all others similarly situated, )	
19 <i>Plaintiff,</i> )	<b>PLAINTIFF’S UNOPPOSED</b>
20 v. )	<b>REQUEST AND [PROPOSED]</b>
21 )	<b>ORDER CONTINUING THE</b>
22 )	<b>HEARING DATE OF DEFENDANT’S</b>
23 )	<b>MOTION TO DISMISS [N.D. CAL.</b>
24 )	<b>L.R. 7-7(b)]</b>
25 )	
26 )	Current Hearing Date: July 1, 2011
27 )	Proposed Hearing Date: July 22, 2011
28 )	
GOOGLE, INC., a Delaware corporation; )	
and, HTC CORP., a Delaware corporation. )	
<i>Defendants</i> )	

25 Pursuant to Civil Local Rule 7-7(b), Plaintiff files this unopposed request for a  
 26 continuance of the hearing date on Defendants HTC Corporation (“HTC”) and Google Inc.’s  
 27 (“Google”) Motion to Dismiss Plaintiff’s Second Amended Complaint (“Motion”).

28 WHEREAS, the hearing on the Motion is currently set for July 1, 2011;

1           WHEREAS, an opposition and reply to the Motion have been filed;

2           WHEREAS, the parties affected by the Motion have previously stipulated once to continue  
3 the hearing date (*see* Docket No. 93);

4           WHEREAS, Plaintiff requests a continuance of the hearing date because, unless the  
5 hearing is rescheduled, Plaintiff's counsel must travel by airplane to San Jose from Boston and  
6 Los Angeles during the busy Independence Day weekend to attend the hearing scheduled for the  
7 Friday, July 1, 2011 hearing;

8           WHEREAS, Plaintiff's counsel is unavailable July 8, 2011;

9           WHEREAS, counsel for HTC Corporation is unavailable July 15, 2011;

10          WHEREAS, to accommodate Plaintiff's request Google and HTC do not oppose  
11 continuing the July 1, 2011 hearing date to July 22, 2011, or any date thereafter that is convenient  
12 for the Court;

13          WHEREAS, this extension will alter a time frame set by the local rules of this Court and  
14 therefore requires a Court order for such an extension;

15          Plaintiff, through her counsel of record, and subject to this Court's approval, requests that  
16 the July 1, 2011 hearing on Defendants' Motion to Dismiss be continued to July 22 at 9:00 am, or  
17 any date thereafter that is convenient to the Court.

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**CERTIFICATION**

1 I, Sara D. Avila, am the ECF User whose identification and password are being  
2 used to file this STIPULATION AND [PROPOSED] ORDER.  
3

4  
5 DATED: June 23, 2011

6 Attorney for Plaintiff Mary McKinney and the  
7 Proposed Class

8  
9 By: /s/ Sara D. Avila  
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11 Gillian L. Wade  
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