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

MARY MCKINNEY, Individually and on  
behalf of All Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
GOOGLE, INC., a Delaware Corporation;  
HTC CORP., a Delaware Corporation; and T-  
MOBILE USA, INC., a Delaware Corporation.  
  
Defendants.

CASE NO: 5:10-cv-01177-JW  
  
CLASS ACTION  
  
**[PROPOSED] ORDER DENYING  
DEFENDANT GOOGLE, INC'S MOTION  
TO DISMISS**  
  
Date: November 1, 2010  
Time: 9:00 a.m.  
Courtroom: 8  
  
**Judge: Hon. James Ware**

**[PROPOSED] ORDER**

Having considered Defendant Google, Inc.'s Motion to dismiss, and good cause appearing,  
the Court hereby DENIES the motion.

IT IS SO ORDERED.

Dated: \_\_\_\_\_  
  
UNITED STATES DISTRICT COURT JUDGE  
THE HONORABLE JAMES S. WARE