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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 T-MOBILE USA, 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 T-Mobile USA, 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

**[PROPOSED] ORDER DENYING T-MOBILE'S  
MOTION TO DISMISS**