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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
DEFENDANTS’ MOTION TO DISMISS**

Date: April 25, 2011
Time: 9:00 A.M.
Courtroom: 8
Judge: Hon. James Ware

Having considered Defendants Google, Inc. and HTC Corp.’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