

1 **MILSTEIN | ADELMAN, LLP**
 2 SARA D. AVILA, State Bar No. 263213
 3 savila@maklawyers.com
 4 2800 Donald Douglas Loop North
 5 Santa Monica, California 90405
 6 Telephone (310) 396-9600
 7 Facsimile (310) 396-9635

8 **WHATLEY DRAKE & KALLAS, LLC**
 9 Joe R. Whatley, Jr. (*pro hac vice* pending, NY Bar No.4406088)
 10 jwhatley@wdklaw.com
 11 Edith M. Kallas (*pro hac vice* pending, NY Bar No. 2200434)
 12 ekallas@wdklaw.com
 13 Patrick J. Sheehan (*pro hac vice* pending, NY Bar No. 3016060)
 14 psheehan@wdklaw.com
 15 1540 Broadway, 37th Floor
 16 New York, New York 10036
 17 Tel: (212) 447-7070
 18 Fax: (212) 447-7077

19 Attorneys for Plaintiff
 20 Additional Counsel Listed on Signature Page

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

23 MARY MCKINNEY, Individually and on)	5:10-cv-01177-JW (Hon. James Ware)
24 behalf of all others similarly situated,)	
25)	
26 <i>Plaintiff,</i>)	PARTIES' STIPULATION AND
27)	[PROPOSED] ORDER CONTINUING
28)	THE HEARING DATE OF
v.)	DEFENDANTS' MOTION TO
)	DISMISS [N.D. CAL. L.R. 7-7(b)]
GOOGLE, INC., a Delaware corporation;)	Current Hearing Date: April 25, 2011
and, HTC CORP., a Delaware corporation.)	Proposed Hearing Date: May 2, 2011
)	
<i>Defendants</i>)	
)	
)	
)	

29 Pursuant to Civil Local Rule 7-7(b), the parties stipulate to a continuance of the hearing
 30 date on Defendant Google Inc. and HTC Corp. (collectively "Defendants") Motion to Dismiss
 31 Plaintiff's Second Amended Complaint to May 2, 2011.

32 WHEREAS, the hearing is currently set for April 25, 2011;

33 WHEREAS, an opposition has been filed to Defendants' Motion to Dismiss;

1 WHEREAS, the parties affected by the motion have not previously stipulated to continue
2 the hearing date;

3 WHEREAS, Plaintiff requested a continuance of the hearing date because, unless the
4 hearing is rescheduled, they must travel by airplane to San Jose on Easter Sunday to attend the
5 hearing scheduled for Monday, April 24, 2011 at 9:00am;

6 WHEREAS, Defendants have agreed, subject to this Court's approval, to continue the
7 hearing date to May 2, 2011, or any date on or after June 6, 2011, that is convenient for the Court.
8 Counsel is unavailable May 9, 2011 through May 30.

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

11 NOW THEREFORE, Plaintiff and Defendants, through their counsel of record, and
12 subject to this Court's approval, stipulate to the following: The April 25, 2011 hearing on
13 Defendants' Motion to Dismiss shall be continued to May 2, 2011, or any date on or after June 6,
14 2011, that is convenient to the Court.

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DATED: April 15, 2011

MILSTEIN ADELMAN, LLP

By: /s/ Sara Avila
SARA AVILA

Attorneys for Plaintiff
MARY MCKINNEY

DATED: April 15, 2011

WHATLEY DRAKE & KALLAS, LLC

By: /s/ Adam Plant
ADAM PLANT

Attorneys for Plaintiff
MARY MCKINNEY

DATED: April 15, 2011

DECHERT LLP

By: /s/ Matthew L. Larrabee
MATTHEW LARRABEE

Attorneys for Defendant
GOOGLE INC.

DATED: April 15, 2011

MUNGER, TOLLES & OLSON LLP

By: /s/ Rosemarie T. Ring
ROSEMARIE T. RING

Attorneys for Defendant
HTC CORP.

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ORDER

PURSUANT TO STIPULATION, the hearing on Defendants' Motion to Dismiss Plaintiff's
Second Amended Complaint is continued to May 2, 2011.

IT IS SO ORDERED.

Date: April 21, 2011



HON. JAMES WARE, U.S. DISTRICT COURT

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. In compliance with General Order
3 45.X.B., I hereby attest that France Jaffe and Rosemarie Ring concurred in this filing.
4

5
6 DATED: April 13, 2011

7 Attorney for Plaintiff Mary McKinney and the
8 Proposed Class

9
10 By: /s/ Sara D. Avila
11 MILSTEIN ADELMAN, LLP
12 Gillian L. Wade
13 Sara D. Avila

14
15 WHATLEY DRAKE & KALLAS, LLC
16 Joe R. Whatley, Jr.
17 Edith M. Kallas
18 Patrick J. Sheehan

19
20 LAW OFFICE OF HOWARD
21 RUBINSTEIN
22 Howard Rubinstein
23 howardr@pdq.net
24 914 Waters Avenue, Suite 20
25 Aspen, Colorado 81611
26 Tel: (832) 715-2788

27
28 SMITH & VANTURE, LLP
29 Brian W. Smith
30 bws@smithvanture.com
31 1615 Forum Place, Suite 4C
32 West Palm Beach, Florida 33401
33 Tel: (800) 443-4529
34 Fax: (561) 688-0630