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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Eva Hibnick, et al.,

NO. CV 10-00672 JW
NO. CV 10-02509 PVT_____
Rochelle Williams, et al.,**ORDER GRANTING MOTION TO
RELATE CASES**

Plaintiffs,

v.

Google Inc.,

Defendant.

Presently before the Court is Plaintiffs' Motion to Consider Whether Cases Should be Related. (See Administrative Motion to Consider Whether Cases Should be Related, hereafter, "Motion," CV 10-00672-JW Docket Item No. 23.) Plaintiffs seek the Court's determination as to whether Rochelle Williams, et al. v. Google, Inc., et al., Case No. CV 10-02509-PVT ("Second Action"), should be related to Eva Hibnick, et al. v. Google, Inc., et al., Case No. CV 10-00672-JW ("First Action"). Plaintiffs contend that both cases concern substantially the same transactions, events, questions of law, and alleged violations of federal and California state privacy law committed by the same Defendant. (Motion at 2.) To date, Defendant has not filed any opposition.

Civil Local Rule 3-12(a) provides:

An action is related to another action when:

(1) The actions concern substantially the same parties, property, transaction or event; and

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(2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Here, the Court finds that the two actions involve the same Defendant, the same alleged feature created by Defendant on its website, the same alleged violations of federal and California state privacy law, and a substantially similar core set of underlying events.¹ Plaintiffs in both cases allege that Defendant’s Google Buzz service made private data belonging to Defendant’s Gmail users, including Plaintiffs, public without their knowledge or authorization. (See id.) In light of the substantial similarity of parties and events, the Court finds that there is a risk of “an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.” Thus, the court finds that the cases are related within the meaning of Rule 3-12(a).

Accordingly, the Clerk of Court shall immediately relate Eva Hibnick, et al. v. Google, Inc., et al., Case No. CV 10-00672-JW and Rochelle Williams, et al. v. Google, Inc., et al., Case No. CV 10-02509-PVT.

Dated: June 25, 2010



JAMES WARE
United States District Judge

¹ (Compare Class Action Complaint, CV 10-02509-PVT Docket Item No. 1 with First Amended Class Action Complaint, CV 10-00672-JW Docket Item No. 5.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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15 **Dated: June 25, 2010**

Richard W. Wieking, Clerk

16 **By: /s/ JW Chambers**
17 **Elizabeth Garcia**
18 **Courtroom Deputy**

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