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Attorneys for Plaintiff Ric Benitti

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

14 MATTHEW BERLAGE, AARON
 15 LINSKY and JAMES FAIRBANKS, on
 16 behalf of themselves and all others similarly
 17 situated,

Plaintiffs,

v.

19 GOOGLE, INC., a Delaware corporation,
 20 Defendant.

21 RIC BENITTI, on behalf of himself and all
 22 others similarly situated,

Plaintiff,

v.

26 GOOGLE, INC., a Delaware corporation,
 27 and DOES 1 through 1000, inclusive,

Defendants.

Case No. CV 10-02187 JW

CLASS ACTION

**DECLARATION OF J. PAUL GIGNAC IN
 SUPPORT OF ADMINISTRATIVE
 MOTION TO RELATE THE *BENITTI*
 CASE**

The Honorable James Ware

Case No. CV 10-03297 PVT

CLASS ACTION

The Honorable Patricia V. Trumbull

GIGNAC DECL. IN SUPPORT OF ADMINISTRATIVE MOTION TO RELATE THE *BENITTI* CASE

1 I, J. Paul Gignac, declare as follows:

2 1. I have personal knowledge of the matters stated herein. If called as a witness, I
3 could and would testify truthfully and competently thereto under oath.
4

5 2. I am licensed to practice before all of the courts of the State of California, and I
6 am admitted to practice before the United States District Court for the Northern District of
7 California.
8

9 3. I am a partner at the law firm of Arias Ozzello & Gignac LLP in Santa Barbara,
10 California, and I am co-counsel for plaintiff Ric Benitti in *Benitti v. Google, Inc.*, Case No. CV
11 10-03297 PVT ("*Benitti*").
12

13 4. I submit this Declaration in support of the Administrative Motion to Relate the
14 *Benitti* Case Pursuant to Civil Local Rule 3-12 ("Administrative Motion").
15

16 5. Attached hereto as Exhibit A is a true and correct copy of the complaint that was
17 filed in the *Benitti* action on July 27, 2010 in the Northern District of California and assigned to
18 the Honorable Patricia V. Trumbull.
19

20 6. The cases listed in the Related Actions section of the Administrative Motion all
21 arise out of the same transactions and events and assert claims for violations of the Federal
22 Wiretap Act, 18 U.S.C. § 2511, *et seq.*, against the same defendant, Google, Inc.
23

24 7. A stipulation pursuant to Civil Local Rule 7-11(a) could not be obtained because
25 the defendant in the *Benitti* action has not yet appeared.
26

27 I declare under penalty of perjury, under the laws of the United States of America, that
28 the foregoing is true and correct.

Executed this 25th day of August, 2010 at Santa Barbara, California.

/s/

J. Paul Gignac

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