

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GALAXY INTERNET SERVICES, INC.,)	
on behalf of themselves, their customers,)	
and all others similarly situated within the)	
Commonwealth of Massachusetts,)	
)	CIVIL ACTION NO. 1:10 10871WGY
Plaintiffs,)	
)	
v.)	
)	
GOOGLE INC.,)	
)	
Defendant.)	

DEFENDANT GOOGLE INC.'S ASSENTED TO
MOTION TO EXTEND DEADLINE TO RESPOND TO COMPLAINT

Defendant Google Inc. ("Google") hereby moves the Court for a ten-day extension of the deadline for it to respond to Plaintiff's May 25, 2010 Complaint, from August 13, 2010, to August 23, 2010. In support of its Motion, Google submits herewith a Memorandum in Support of Defendant's Motion to Extend Deadline to Respond to Complaint.

1. Google's response to Plaintiff's May 25, 2010, Complaint is presently due on August 13, 2010. Google has conferred with Plaintiffs' counsel and Plaintiffs do not object to a ten-day extension of time to answer, resulting in a new due date of August 23, 2010, if the Court so rules.

2. Plaintiffs' Complaint is based on allegations concerning "open" wireless Wi-Fi connections used by Plaintiffs to transmit and receive personal information. Plaintiffs contend Google received such data in violation of the federal Wiretap Act and other laws.

3. Thirteen other cases have been filed in seven different federal judicial districts,

which also allege that Google violated the federal Wiretap Act, among other laws, by allegedly using its Street View vehicles to receive data being transmitted over open Wi-Fi connections.

4. Google is the sole defendant in these thirteen Wi-Fi cases.

5. On July 29, 2010, the United States Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") held a hearing on a motion filed by the plaintiff in one of the actions, *Keyes v. Google, Inc.*, No. 1:10-cv-0896-JDB (D.D.C.), asking the JPML to consolidate the *Keyes* action with all related Wi-Fi cases, including this matter. The consolidation issues have been fully briefed to the JPML, and its decision is expected imminently.

6. No party opposed consolidation. All pending cases in which deadlines to answer would otherwise have lapsed as of this date have been stayed pending the JPML's ruling.

7. On June 29, 2010, Google filed a Motion to Stay Pretrial Deadlines in this Court. (Dkt. Nos. 9 and 10) (filed June 29, 2010). Google's Motion for Stay was not opposed, and the Court granted it in its July 14, 2010 Order.

8. Counsel for Google conferred with counsel for Plaintiff on August 10, 2010, regarding an additional extension of time to respond to the May 25 Complaint. Plaintiffs' counsel does not object to a ten-day extension of the current deadline to respond, resulting in a new deadline of August 23, 2010, if the Court so rules.

WHEREFORE, Google respectfully moves that:

1. Google's August 13, 2010, deadline for responding to Plaintiffs' Complaint is extended until August 23, 2010.

2. In the event that the JPML denies transfer of the Google Wi-Fi cases, and all subsequently filed related actions, to a single judicial district for coordinated or consolidated pretrial proceedings prior to August 23, 2010, Google shall have five (5) days from the date of the order denying transfer to plead, answer, move, or otherwise respond to Plaintiffs' class action Complaint.

3. In the event that the JPML orders transfer of the Google Wi-Fi cases, and all subsequently-filed related actions, to a single judicial district for coordinated or consolidated pretrial proceedings, Google shall plead, answer, move, or otherwise respond to plaintiffs' class action complaint within thirty (30) days from: (a) the date that the plaintiffs file a master consolidated complaint in the transferee district or (b) the date that it is resolved by the transferee court and/or counsel for plaintiffs and Google that no master consolidated complaint will be filed.

GOOGLE INC.,
By its attorneys,

/s/ James B. Conroy
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Dated: August 11, 2010

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1, I hereby certify as follows:

1. Prior to filing the foregoing, I conferred with counsel for Plaintiffs telephonically

and via email on August 10, 2010.

2. Plaintiffs' counsel authorized me to advise the Court that he does not oppose the Motion.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing. The ECF system presently indicates that there are no non-registered participants.

/s/ James B. Conroy
James B. Conroy