

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, )  <div style="text-align: right;">Plaintiffs, )</div>	)	CIVIL ACTION NO. 1:10 10871WGY
v. )	)	
GOOGLE INC., )	)	
Defendant. )	)	

MOTION TO STAY PRETRIAL DEADLINES

Defendant Google Inc. (“Google”) hereby moves the Court to stay all pretrial proceedings in this action, as described below. In support of its motion, Google submits herewith a Memorandum in Support of Defendant’s Motion To Stay Pretrial Deadlines.

1. On May 25, 2010, plaintiff instituted this action by filing a putative class action complaint which alleges that Google violated the federal Wiretap Act, 18 U.S.C. § 2510 et seq., by allegedly using its "Street View" vehicles to receive electronic data being transmitted over open wireless ("Wi-Fi") internet connections.

2. Nine other cases were filed in five 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.

3. Google is the sole defendant in all of the Google Wi-Fi Cases.

4. On June 14, 2010, plaintiffs in the case *Keyes v. Google Inc.*, No. 1:10-cv-0896-JDB (D.D.C.), pursuant to 28 U.S.C. § 1407, moved the United States Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") for an order transferring the

Google Wi-Fi Cases, as well as all subsequently-filed related actions, to the United States District Court for the District of Columbia for coordinated or consolidated pretrial proceedings.

5. The *Keyes* plaintiffs' motion for transfer of actions and for coordinated or consolidated pretrial proceedings remains pending before the JPML.

6. Google agrees with the *Keyes* plaintiffs that the cases should be consolidated but will ask the Panel to transfer the Google Wi-Fi Cases, as well as all subsequently-filed related actions, to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings.

WHEREFORE, Google respectfully moves that:

1. All pretrial deadlines shall be stayed pending the JPML's resolution of whether the Google Wi-Fi cases, and all subsequently-filed related actions, should be transferred to a single judicial district for coordinated or consolidated pretrial proceedings.

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, Google shall have thirty 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 the 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 days from (a) the date that 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  
James B. Conroy (BBO# 096315)  
Jocelyn L. Dyer (BBO #660240)  
DONNELLY CONROY & GELHAAR LLP  
One Beacon Street, 33<sup>rd</sup> Floor  
Boston, MA 02108  
Telephone: (617) 720-2880  
Facsimile: (617) 720-3554  
jbc@dcglaw.com  
jld@dcglaw.com

Dated: June 29, 2010

### **LOCAL RULE 7.1 CERTIFICATION**

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

1. On Tuesday, June 22, I sent to plaintiff's counsel by email a copy of a stipulation that the parties in similar cases now pending in other judicial districts have entered into, substantively identical to the relief sought in the foregoing motion, and asked him to review and consider it and telephone me to discuss the prospect of submitting it in this case as a joint motion.
2. On Thursday, June 24, I had two brief telephone conversations with plaintiff's counsel in which he neither agreed to enter into such a motion nor declined to do so.
3. On Friday, June 25, I left plaintiff's counsel a follow-up voice mail message asking for a response. I received no reply.
4. On Monday, June 28, I sent plaintiff's counsel an email, again asking for a response and reminding him that the existing deadline to respond to his complaint would fall on the next day, today. I received no reply.

5. As of this writing, at mid-day on Tuesday, June 29, I have heard nothing further from plaintiff's counsel.

/s/ James B. Conroy  
James B. Conroy

**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