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9 *Plaintiff's Counsel*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

13 In re: Google Inc. Street View Electronic
 14 Communications Litigation,

Case No. 5:10-md-02184-JW-PVT

15 **ADMINISTRATIVE MOTION TO**
 16 **CONSIDER WHETHER CASES**
 17 **SHOULD BE RELATED**

18 THIS DOCUMENT ALSO RELATES TO:

19 DAVID CARNEY, on behalf of himself and all
 20 others similarly situated,

Case No. 5:10-cv-03715-PVT

21 Plaintiff,

22 v.

23 Google, Inc., et al.

24 Defendant.

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 3-12, Plaintiff David Carney
3 submits this administrative motion for the Court to consider whether *Carney v. Google, Inc.*, No. 10-
4 cv-03715-PVT, filed in this district on August 20, 2010, should be related to *In Re: Google Inc. Street*
5 *View Electronic Communications Litigation* (“*In re Google*”), No. 5:10-md-02184-JW, the earlier-
6 filed action also pending in this District. The *Carney* action has been preliminarily assigned to
7 Magistrate Judge Patricia V. Trumbull.

8 Under Local Rule 3-12(a), actions are related when: “[t]he actions concern substantially the
9 same parties, property, transaction or event; and [i]t appears likely that there will be an undue
10 burdensome duplication of labor and expense or conflicting results if the cases are conducted before
11 different Judges.” Here, both criteria are met.

12 The *Carney* and *In Re Google* actions¹ concern substantially the same parties, property,
13 transaction or event. Both are proposed class actions brought on behalf of persons whose wireless
14 internet network data was intercepted by Google’s Street View vehicles. The actions feature similar
15 claims based on Google’s alleged collection of the data, including that Google violated the Wiretap
16 Act, 18 U.S.C. § 2511 *et seq.*

17 Given the overlapping class definitions, common defendant, and like allegations, adjudication
18 of these actions separately would create an undue burdensome duplication of labor and expenses.
19 Assignment of these cases to a single United States District Court Judge will conserve judicial
20 resources and eliminate the potential for conflicting results. The actions are at a preliminary stage
21 and, thus, assignment to a single judge would not prejudice any of the parties.

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25 ¹ The following cases appear on the United States Judicial Panel on Multidistrict Litigation’s case listing
26 report for *In Re Google: Berlage v. Google, Inc.*, 5:10-cv-02187 (N.D.Cal.); *Sedita v. Google, Inc.*, No.
27 5:10-cv-03286 (N.D.Cal.); *Stokes v. Google Inc.*, 5:10-cv-02306 (N.D.Cal.); *Redstone et al v. Google,*
28 *Inc.*, 5:10-cv-03639 (N.D.Cal.); *Reyas v. Google, Inc.*, 5:10-cv-03215 (N.D.Cal.); *Locsin v. Google, Inc.*,
5:10-cv-03272 (N.D.Cal.); *Benitti v. Google, Inc.*, 5:10-cv-03297 (N.D.Cal.); *Colman v. Google, Inc.*,
1:10-877 (D.D.C.); *Keyes v. Google, Inc.*, 1:10-896 (D.D.C.); *Galaxy Internet Servs., Inc. v. Google,*
Inc., 1:10-10871 (D.Mass.); *Van Valin v. Google, Inc.*, 3:10-557 (D.Or.); *Carter v. Google, Inc.*, 2:10-
2649 (E.D.Pa.); *Mulholland v. Google, Inc.*, 2:10-cv-02787 (E.D.Pa.).

1 Plaintiff David Carney therefore respectfully requests that this case, *Carney v. Google, Inc.*, No.
2 10-cv-03715-PVT, and *In Re Google*, No. 5:10-md-02184-JW, be deemed related under Civil Local
3 Rule 3-12(a).

4 DATED: August 25, 2010

Respectfully submitted,

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6 **GIRARD GIBBS LLP**

7 By: /s/ Eric H. Gibbs

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

13 In re: Google Inc. Street View Electronic
14 Communications Litigation,

Case No. 5:10-md-02184-JW-PVT

**[PROPOSED] ORDER RELATING
CASES**

17 THIS DOCUMENT ALSO RELATES TO:

18 DAVID CARNEY, on behalf of himself and all
19 others similarly situated,

Case No. 5:10-cv-03715-PVT

20
21 Plaintiff,

22 v.

23 Google, Inc., et al.

24 Defendant.

1 David Carney, the Plaintiff in *Carney v. Google, Inc.*, No. 10-cv-03715-PVT, filed an
2 Administrative Motion to Consider Whether Cases Should Be Related pursuant to Civil Local Rule 3-
3 12. The Court having considered the papers and pleadings on file, and good cause appearing, HEREBY
4 GRANTS the motion.

5 **IT IS ORDERED** that *Carney v. Google, Inc.*, No. 10-cv-03715-PVT, is hereby related to *In*
6 *Re: Google Inc. Street View Electronic Communications Litigation*, No. 5:10-md-02184-JW.

7 *Carney v. Google, Inc.*, No. 10-cv-03715-PVT, shall be reassigned to the undersigned judge
8 pursuant to Local Rule 3-12(f)(3).

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11 Dated: _____

12 THE HONORABLE JAMES WARE
13 UNITED STATES DISTRICT JUDGE
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