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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN JOSE DIVISION**

12 PALOMA GAOS, et al.  
 13 Plaintiffs,  
 14 v.  
 15 GOOGLE INC.,  
 16 Defendant.

Case No. 5:10-cv-04809-EJD

**DECLARATION OF RANDALL W.  
 EDWARDS IN SUPPORT OF  
 STIPULATED REQUEST FOR  
 ORDER CHANGING TIME FOR  
 MOTION TO DISMISS BRIEFING**

Honorable Edward J. Davila

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I, Randall W. Edwards, declare as follows:

1. I am a member in good standing of the Bar of the State of California and a partner with the law firm of O’Melveny & Myers, LLP, counsel for Defendant Google Inc. I make this declaration of my own personal knowledge and, if called as a witness, would testify to the matters set forth below.

2. This action was originally filed on October 25, 2010 in the San Jose Division of the United States District Court, Northern District of California, and the Complaint is available through the online docket for this case at ECF No. 1.

3. Between November 15, 2010 and January 27, 2011, the parties entered into three stipulations extending Defendant’s time to respond to the Complaint. These stipulations and the related orders are available at ECF Nos. 7, 10, 11-12, 17-18.

4. Google filed a Motion to Dismiss the Complaint on March 21, 2011, available at ECF No. 22.

5. The Complaint was dismissed on Google’s motion on April 4, 2011, and Chief Judge James Ware instructed Plaintiff to file any amended complaint on or before May 2, 2011. The order dismissing the Complaint is available at ECF No. 24.

6. Plaintiff filed the First Amended Complaint (“FAC”) on May 2, 2011, available at ECF No. 26.

7. Google filed a motion to dismiss the FAC on March 21, 2011, available at ECF No. 22.

8. On March 29, 2012, Judge Edward J. Davila issued an order granting-in-part and denying-in-part Google’s motion to dismiss the FAC, granting leave to amend the dismissed claims and instructing Plaintiff to file any amended complaint on or before May 1, 2012. The order dismissing the FAC is available at ECF No. 38.

9. The original plaintiff, Paloma Gaos, and one additional plaintiff, Anthony Italiano, filed the Second Amended Complaint (“SAC”) on May 1, 2012, available at ECF NO. 39.

10. On or about May 2, 2012, I informed Plaintiffs’ counsel, Michael Aschenbrener,

1 that Google intends to file a motion to dismiss the SAC. Mr. Aschenbrener agreed to a stipulated  
2 extension of Google's time to file that motion, so that the motion would be due on or before May  
3 30, 2012. Counsel for the parties also agreed to an extended briefing schedule. The requested  
4 enlargement of time is to allow the parties adequate time to fully brief the issues, and it will not  
5 affect the time for resolution of the motion given the hearing date.

6 11. After conferring with Plaintiffs' counsel and confirming availability, Google has  
7 reserved September 21, 2012 for a hearing on the motion to dismiss, which was one of the two  
8 earliest dates available under the Court's schedule. (The earlier date presented a conflict.) Under  
9 the stipulated, modified briefing schedule, the Court will receive all moving papers over two  
10 months prior to the scheduled hearing.

11 12. The requested enlargement of time will affect the schedule of the case as follows:  
12 Google shall file its Motion to Dismiss the Second Amended Complaint on or before May 30,  
13 2012; Plaintiffs shall respond to any motion filed by Google on or before July 3, 2012; and  
14 Google shall file its Reply in support of any motion on or before July 17, 2012.

15 I declare under penalty of perjury under the laws of the United States and the State of  
16 California that the foregoing is true and correct. Executed on May 8, 2012 in San Francisco, CA.

17  
18 /s/ Randall W. Edwards  
19 Randall W. Edwards