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 Google Inc.

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. 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 of Google’s intention to

1 file a motion to dismiss the SAC, and counsel for both sides agreed to an extended briefing
2 schedule to provide both parties time to adequately brief the issues presented in the case. On May
3 8, 2012, I filed a Stipulation and Stipulated Request to extend Google's time for filing its motion
4 to dismiss and to extend the deadlines for relating briefing, available at ECF No. 40. Under that
5 revised schedule, Google's motion to dismiss was due May 30, 2012, Plaintiffs' opposition was
6 due July 3, 2012, and Google's reply was due July 17, 2012. The Court granted the order
7 revising the briefing schedule and entered that order on the docket at ECF No. 41 on May 9,
8 2012.

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10 11. The parties desire to discuss certain issues in advance, and accordingly have
11 agreed to extend all briefing deadlines by two weeks, except that the hearing date will remain set
12 for September 21, 2012. Under the stipulated, modified briefing schedule, the Court will receive
13 all moving papers seven weeks before the scheduled hearing.

14 12. The requested enlargement of time will affect the schedule of the case as follows:
15 Google shall file its Motion to Dismiss the Second Amended Complaint on or before June 15,
16 2012; Plaintiffs shall respond to any motion filed by Google on or before July 19, 2012; and
17 Google shall file its Reply in support of any motion on or before August 2, 2012.

18 I declare under penalty of perjury under the laws of the United States and the State of
19 California that the foregoing is true and correct. Executed on May 30, 2012 in San Francisco,
20 CA.

21 /s/ Randall W. Edwards
22 Randall W. Edwards