

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 05-80387 CIV RYSKAMP/VITUNAC

STEVEN A. SILVERS, an individual,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,

Defendant.

**AGREED MOTION TO ALTER THE SCHEDULING ORDER
RELATING TO DISCOVERY**

Pursuant to Local Rule 7.1 A.1(j) AND 16.1, the parties, Plaintiff STELOR PRODUCTIONS, INC. (“Stelor”) and Defendant GOOGLE, INC. (“Google”) by and through their respective undersigned counsel, hereby file this Motion to Alter the Scheduling Order Relating to Discovery and state as follows:

1. The current fact and expert discovery cutoffs are September 30, 2008.
2. The parties have endeavored in good faith to complete discovery within the Court’s discovery cutoff. Due to scheduling conflicts, the parties require extra time to conduct several key fact depositions, which the parties are in the process of coordinating and anticipate completing by the end of October.
3. Per the Court’s Order of September 11, 2008, (D.E. 279), Plaintiff will first take Rose Hagan’s deposition and then proceed to take the depositions of Larry Page and Sergey Brin, if necessary, on any unanswered questions. Given the uncertainty of these depositions, both in necessity and timing, Stelor also requests, and Google does not oppose, an extension

without prejudice and subject to further Court order to complete the depositions of Messrs. Page and Brin, should they be necessary.

4. The parties also jointly request the following schedule to complete expert discovery: (1) Plaintiff shall serve expert reports for previously disclosed experts by November 18, 2008; (2) Defendant shall serve rebuttal expert reports for previously disclosed experts by December 2, 2008; and (3) The parties shall make their experts available for deposition on or before December 19, 2008.

5. Thus, the parties also jointly request an extension of the expert discovery cutoff up to and including December 19, 2008. This extension is necessary because the current expert discovery cutoff occurs to facilitate the exchange of expert reports and depositions.

6. Accordingly, the Parties jointly request an extension of the fact discovery cutoff up to and including October 31, 2008. Should depositions of Larry Page and Sergey Brin become necessary under the terms of the Court's September 11, 2008 Order, Stelor also requests an extension without prejudice and pursuant to further Court order to complete these depositions. Finally, the parties jointly request an extension of the expert discovery cutoff up to and including December 31, 2008.

6. This request is made for good cause and without the purpose of delay.

7. The parties agree that all other deadlines established by this Court's October 24, 2007 Scheduling Order are to remain the same.

WHEREFORE, the parties respectfully request that the Court issue an Order granting their requests for additional time to complete fact and expert discovery.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the Mailing Information for Case 9:05-cv-80387-KLR. I also certify that the foregoing Counsel of record currently identified on the Mailing Information list to receive e-mail notices for this case are served via Notices of Electronic Filing generated by CM/ECF. Counsel of record who are not on the Mailing Information list to receive e-mail notices for this case have been served via U.S. Mail.

/s/ Morgan L. Swing