

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH**

Case No. 05-80387-CIV-RYSKAMP/VITUNAC

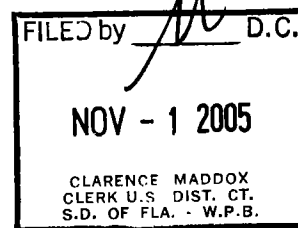
STEVEN A. SILVERS, an individual,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,

Defendant.



**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL GOOGLE
TO COMPLY WITH PRETRIAL PROCEDURES**

THIS CAUSE comes before the Court upon Plaintiff's Motion to Compel Google to Comply with Pretrial Procedures [DE 20], filed on September 28, 2005. Defendant filed a Response to Plaintiff's Motion to Compel Google to Comply with Pretrial Procedures [DE 25] on October 5, 2005, and Plaintiff replied [DE 30] on October 14, 2005.

Pursuant to this Court's Order of Pretrial Procedures dated May 5, 2005 [DE 2] and S.D. Fla. L.R. 16.1.B, the parties are required to hold a scheduling meeting within twenty (20) days after the first responsive pleading by the last responding defendant, or ninety (90) days after the filing of the complaint, whichever first occurs, and to submit a Scheduling Report and a Joint Proposed Scheduling Order fourteen (14) days thereafter. To date, the parties have not filed their Scheduling Report and Joint Proposed Scheduling Order. Plaintiff submits that the parties have been unable to do so because of Defendant's failure to cooperate with Plaintiff. Additionally, Plaintiff states that Defendant represented that it intends to request an extension of time, but that Defendant has not filed any such motion to date. In its response, Defendant states that the Court's disposition of two pending motions (Defendant's Motion to Bifurcate Discovery and Trial [DE 23] and Plaintiff's

WAP

Motion to Dismiss Stelor's Cross-Claim [DE 22]) will significantly affect the scheduling of this case, and therefore requests that the Court extend the time for all parties (including the Counter-Defendants) to hold an additional scheduling conference until fourteen (14) days after the aforementioned motions are ruled upon, and to file a Scheduling Report and Joint Proposed Scheduling Order seven (7) days thereafter.

The Court has considered the motion and the pertinent portions of the record, and finding good cause to allow an extension of time to file a Scheduling Report and Joint Proposed Scheduling Order, it is hereby,

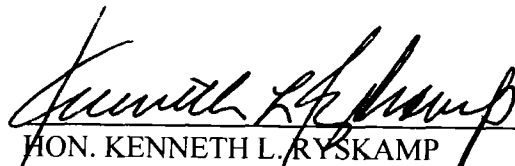
ORDERED and ADJUDGED that:

(1) Plaintiff's Motion to Compel Google to Comply with Pretrial Procedures [DE 20] is DENIED;

(2) The parties shall have seven (7) days after the Court's forthcoming orders on Defendant's Motion to Bifurcate Discovery and Trial [DE 23] and Plaintiff's Motion to Dismiss Stelor's Cross-Claim [DE 22] are entered, to hold a scheduling conference, with such conference to include counsel for all parties, including Cross-Defendants; and

(3) The parties shall file a Scheduling Report and Joint Proposed Scheduling Order seven (7) days after the scheduling conference.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this 1st day of November ~~October~~, 2005.


HON. KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

Copies provided to:
All counsel of record