

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ERICH SPECHT, et al.)	
)	
Plaintiffs)	
)	NO. 09 CV 2572
v.)	
)	JUDGE LEINENWEBER
GOOGLE INC., et al.)	
)	MAGISTRATE JUDGE
Defendants)	COLE

**PLAINTIFFS' MOTION
FOR LEAVE TO TAKE CERTAIN DEPOSITIONS
PRIOR TO FILING THEIR SECOND AMENDED COMPLAINT**

NOW COME your plaintiffs, Erich Specht, Android Data Corporation and the Android's Dungeon incorporated and in support of their motion for leave to take certain depositions prior to the Rule 26 conference and Plaintiffs filing their second amended complaint, pursuant to FRCP 26(d) and 30(a), state:

1 On August 3, 2009, the Court granted in part and denied in part Defendants motion to dismiss and granted Plaintiffs leave to file a second amended complaint that provides supporting factual information of some specificity as to each individual defendant.

2. Plaintiffs are seeking leave to take the depositions of Lawrence "Larry" Page ("Page") one of Google, Inc.'s co-founders. According to an article appearing in Wired Magazine, Page approached Rubin about purchasing Android from Rubin and company. The article also states that the estimated purchase price of \$50 million would represent the biggest payday of Rubin's life. If true, it would also contradict Rubin's declaration that "Any actions that

I have taken relative to the Android Platform have been as an employee of either Android, Inc. or Google and not in my individual capacity.” Attached as Exhibit 1, hereto, is Rubin’s Declaration. Attached as Exhibit 2 is the Wired Magazine article referred to above.

3. Plaintiffs are seeking to take the deposition of Andrew “Andy” Rubin for clarification of statements made in his declaration regarding his actions on the Android Platform, including his employment with Google and Android, Inc.; the sale of Android, Inc. to Google; his representations regarding Android, Inc. and the OHA; his contacts with Illinois; and the contributions of the other Defendants, OHA members, to the Android Platform.

4. Plaintiffs are seeking to take the depositions of Defendants Christopher “Chris” Michael White, Richard (“Rich”) Miner, and Nickolas Sears for clarification of statements made in their declarations regarding their actions on the Android Platform, including employment at Google and Android, Inc.; the sale of Android, Inc.; their contacts with Illinois and contributions of the OHA members to the Android platform. Attached as Exhibit 3, hereto, are the Declarations of White, Miner, and Sears.

5. All of the above depositions are being requested to allow plaintiffs an opportunity to gather more specific information regarding the defendants actions so that a more specific complaint may be filed.

6. Federal Rule of Civil Procedure 26(d) provides that the Court may authorize earlier discovery “for the convenience of parties and witnesses and in the interests of justice.” Further, under Rule 30(a) the Court can grant plaintiff leave to take a deposition prior to the Rule 26(f) meeting of the parties, and Rules 33 and 34(b) expressly provide that a Court may allow a shorter time than normal for answering interrogatories and producing documents.

WHEREFORE, Plaintiffs' respectfully request that this Honorable Court grant their motion for leave to take the depositions set forth above in accordance with Rule 26(d) and 30(a) of the FRCP.

RESPECTFULLY SUBMITTED,
Erich Specht, Android Data
Corporation, and The Android's
Dungeon Incorporated

By: /s/ Martin J Murphy

Their Attorney

Martin J Murphy
2811 RFD
Long Grove, IL 60047
312-933-3200
Fax 773-338-9913
email: martym@villageinvestments.com