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1	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION			
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4	ERICH SPECHT, et al.,	}		
5	Plaintiffs,	{		
6	VS.	{	No. 09 C 2572	
7	GOOGLE, INC., et al.,	{	Chicago, Illinois October 13, 2009 9:30 o'clock a.m.	
8	Defendants.	\$	9:30 o'clock a.m.	
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10	TRANSCRIPT OF PROCEEDINGS - MOTION BEFORE THE HONORABLE HARRY D. LEINENWEBER			
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12	APPEARANCES:			
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14	For the Plaintiffs:	NOVACK & MA	ACEY . SHONKWILER	
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16		Chicago, II 312-419-690	00	
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18	For the Defendant, Google, Inc.:	GREENBERG	GREENBERG TRAURIG, LLP MR. HERBERT H. FINN	
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22	Court Reporter:	FEDERAL OF MS. KRISTA	FICIAL COURT REPORTE	R
23		219 South Dearborn Street Chicago, Illinois 60604		
24		312-435-55	567 rgeson@ilnd.uscourts.	dov
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2 1 THE CLERK: 09 C 2572, Specht versus Google. MR. SHONKWILER: Good morning, your Honor. John 2 3 Shonkwiler for the plaintiffs. 4 MR. FINN: Good morning, your Honor. Herbert Finn on 5 behalf of defendant, Google. MR. SHONKWILER: Your Honor, we are here this morning 6 7 on the plaintiff's motion to dismiss counterclaims. 8 I have been informed by Mr. Finn that they may be 9 amending their counterclaims, however, as part of their -- the 10 answer, et cetera, that they plan to file to our second 11 amended complaint, which you may recall was filed the same day 12 as our motion to dismiss counterclaims. 13 I will let Mr. Finn address that. 14 MR. FINN: Your Honor, as counsel represented, they 15 filed a second amended complaint about a week ago that will 16 require responsive pleadings. 17 So, we are suggesting that the Court dismiss without 18 prejudice, or plaintiffs withdraw, the motion to dismiss until they see our responsive pleadings with the counterclaims in 19 20 them. 21 MR. SHONKWILER: Well, your Honor, we would agree 22 that if they amended their counterclaims, our motion would 23 become moot and we would file -- we would ask for 28 days 24 thereafter to file a response. However, if they don't amend 25 their counterclaims, the motion to dismiss their counterclaims

1 is good, and it should stay on file, and there is no reason to dismiss it. 2 3 THE COURT: When are you filing this? 4 MR. FINN: Whatever the time period allows. I 5 believe it is the 22nd, 23rd, somewhere in there. That is the 6 response date to the second amended complaint. 7 MR. SHONKWILER: That sounds right, October 23rd. THE COURT: Well, it will save you from redrafting it 8 if they don't make any changes. 9 I will continue your motion, or we will set a status, 10 11 shortly thereafter. 12 THE CLERK: October 27th at 9:00. 13 MR. FINN: At 9:00? 14 THE CLERK: Yes. 15 THE COURT: I will continue the motion to dismiss 16 over to that date, and then we will see if it is moot or not 17 moot. 18 MR. FINN: Very good. 19 Thank you, your Honor. 20 MR. SHONKWILER: Thank you, your Honor. 21 (Proceedings concluded.) 22 23 24 25

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1	<u>CERTIFICATE</u>
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3	I certify that the foregoing is a correct transcript
4	from the record of proceedings in the above-entitled matter.
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6	<u>/s/Krista Burgeson, CSR, RMR, CRR</u> <u>October 13, 2009</u> Federal Official Court Reporter Date
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