

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN E. REDSTONE, KARL H.)	
SCHULZ, and DEAN M. BASTILLA,)	
individually, and on behalf of all others)	
similarly situated,)	CIVIL NO. 3:10-cv-00400-JPG-DGW
)	
Plaintiffs,)	CLASS ACTION
)	
vs.)	
)	
GOOGLE INC.)	
)	
Defendant.)	
)	

JOINT MOTION FOR TRACK REASSIGNMENT

Plaintiffs and Defendant, Google Inc., by and through their respective counsel, have conferred and jointly move the Court for an Order reassigning the above-captioned case from Track B to Track D. In support of this Motion, the parties state as follows:

1. On May 28, 2010, Plaintiffs instituted this action by filing a putative class action complaint which alleges that Google violated the federal Wiretap Act, 18 U.S.C. § 2510 et seq., by allegedly using its “Street View” vehicles to receive electronic data being transmitted over open wireless (“Wi-Fi”) Internet connections.

2. On June 9 2010, counsel for Google entered an appearance, which triggered track assignment and the setting of a presumptive trial date.

3. Local Rule 16.1 provides that the judicial officer to whom a case is assigned will assign a presumptive trial month based on one of four case tracks.

4. Pursuant to the local rules, Track “B” cases are presumptively set for trial 11-14 months after a defendant’s appearance. Examples of Track “B” cases include simple tort and contract cases.

5. By contrast, Track “D” is reserved for proposed class actions, and such cases are presumptively set for trial 19-24 months after the first appearance of a defendant.

6. On June 10, 2010, this matter was assigned to Track “B” and set for trial in June 2011.

7. Notably, this case is captioned as a class action, and the Complaint includes allegations in support of certification. Indeed, similar actions have been filed in multiple federal districts and a motion is pending before the United States Judicial Panel on Multidistrict Litigation for an order transferring this action and similar actions to a single district for coordinated or consolidated pre-trial proceedings.

8. Because this case is a proposed class action, discovery will certainly take more time than is allotted under Track “B.” As noted in Local Rule 23.1(a), “Proposed class actions pose complex scheduling and discovery issues which are not addressed by the standard ‘Joint Report of the Parties and Proposed Scheduling and Discovery Order.’”

9. Therefore, the Parties believe that this case warrants reassignment to Track “D.”

10. Accordingly, the Parties have based their Joint Report and Proposed Scheduling and Discovery Order on a June 2012 presumptive trial month.

11. Should the Court deny this Motion for Track Reassignment, however, the Parties respectfully request leave to amend their Proposed Scheduling and Discovery Order.

WHEREFORE, in consideration of the foregoing, Plaintiffs and Google Inc. agree and jointly move the Court for an Order reassigning the above-captioned action to Track “D.”

DATED: July 19, 2010

By: /s/ Aaron M. Zigler (w/ consent)

By: /s/ Jade R. Lambert

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CERTIFICATE OF SERVICE

I hereby certify this 19th day of July, 2010 that I will electronically file the foregoing with the Clerk of Court using the Court's CM/ECF system, which will then send a notification of such filing to the following:

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By /s/ Jade R. Lambert
One of the attorneys for Google Inc.