

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CNG FINANCIAL CORPORATION,

Plaintiff/Counterclaim-Defendant,

v.

GOOGLE INC.,

Defendant/Counterclaim-Plaintiff.

Case No. 1:06cv040

Chief Judge Sandra S. Beckwith
Magistrate Timothy S. Black

**GOOGLE'S MOTION TO COMPEL THE
PRODUCTION OF DOCUMENTS**

Pursuant to Federal Rule of Civil Procedure 37(a), Defendant/Counterclaim-Plaintiff Google, Inc. ("Google") hereby moves the Court for an order compelling Plaintiff/Counterclaim-Defendant CNG Financial Corporation ("CNG") to produce documents responsive to Google's Request for Production Nos. 12, 13, and 15. The documents requested are also covered by CNG's obligation to produce documents in support of its damages theories under Federal Rule of Civil Procedure 26(a). Google respectfully requests that the Court order those documents, along with those that CNG has previously committed to produce, be produced immediately.

A certificate of compliance with Local Rules 37.1 and 37.2 is attached hereto.

Google also moves the Court for an Order requiring CNG to pay Google's reasonable expenses for making this motion under Fed. R. Civ. P. 37(a)(4).

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This motion is supported by the accompanying memorandum of law and exhibits thereto.

A Proposed Order is also attached hereto.

Dated: December15, 2006

Of Counsel:

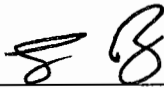
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Attorneys for Defendant and Counterclaim-Plaintiff Google Inc.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES 37.1 AND 37.2

Counsel for Google hereby certifies that extrajudicial means for resolving the subject matter of this motion have been exhausted, in compliance with Local Rules 37.1 and 37.2. The means through which resolution was attempted are shown by the exchange of correspondence between counsel described in the accompanying memorandum of law, at the conclusion of which CNG's continued flat refusal to produce the requested documents was made clear.

A handwritten signature in black ink, appearing to read 'E M Paige', is written over a horizontal line.

Eugene M. Paige
Counsel for Defendant and
Counterclaim-Plaintiff Google Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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