

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CNG FINANCIAL CORPORATION	:	
	:	Case No. 1:06-cv-040
Plaintiff/Counterclaim-	:	
Defendant,	:	Chief Judge Sandra S. Beckwith
	:	Magistrate Timothy S. Black
vs.	:	
	:	CNG'S FINANCIAL
GOOGLE INC.	:	CORPORATION'S RESPONSE
	:	TO GOOGLE INC.'S MOTION
Defendant/Counterclaim-	:	FOR EXTENSION OF PAGE
Plaintiff.	:	LIMIT

As undersigned counsel understands this Court's Local Rule 7.2(a)(3), memoranda in support of summary judgment motions should not exceed twenty (20) pages absent special circumstances. By its Motion, Google acknowledges that special circumstances are required; yet it totally fails to demonstrate any such circumstances. Moreover, because Google's Request for an Extension (from twenty (20) to thirty-five (35) pages), will of necessity impose the burden on CNG to respond in kind, CNG has refused to consent to Google's Motion.¹

Because it is now apparent that the Court will be presented with dispositive motion papers (and lengthy ones at that if Google's Motion to Extend is granted) rather than settlement papers as the parties indicated was likely in their February 22, 2007 Stipulation and Motion to Continue Deadlines, CNG wishes to assure this Court that it has spent substantial time and energy in trying to move the settlement talks forward after February 22. Unfortunately, Google has not responded to CNG's efforts in this regard.

¹ Google chides CNG for refusing to consent "without explanation". In fact, the first and only time Google ever contacted CNG's counsel on this subject was by e-mail yesterday afternoon after 5:00 p.m.

Respectfully submitted,

/s/ Barry D. Hunter

Ann Gallagher Robinson
Frost Brown Todd, LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, OH 45202-4182
Tel.: (513) 651-6800
Fax: (513) 651-6981

Barry D. Hunter
Medrith Lee Norman
Frost Brown Todd LLC
250 West Main Street, Suite 2700
Lexington, Kentucky 40507
(859) 231-0000
(859) 231-0011-fax

Attorneys for CNG FINANCIAL
CORPORATION

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was electronically filed with the Clerk of the Courts using the CM/ECF, system which will send notification of such filing to the following, this 8th day of January, 2007:

Kenneth F. Seibel, Esq.
Jacobs, Kleinman, Seibel & McNally
2300 Kroger Building
1014 Vine Street
Cincinnati, OH 45202

Michael H. Page, Esq.
Klaus H. Hamm, Esq.
Keker & Van Nest LLP
710 Sansome Street
San Francisco, CA 94107

/s/ Barry D. Hunter
Attorney for Plaintiff/Counter Defendant