

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JAMES BOYER  
CLERK

2007 JUL 27 AM 9:09

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OHIO  
WEST 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

**STIPULATION AND ~~PROPOSED~~  
ORDER VACATING DEADLINE FOR  
FILING RESPONSE TO CNG'S MOTION  
IN LIMINE**

**STIPULATION**

WHEREAS, this Court's Notice, dated May 11, 2006, states that the deadline for filing motions in limine that do not address the admissibility of expert testimony under *Daubert* is one week after the final pretrial conference in this matter;

WHEREAS, this Court's Notice, dated May 11, 2006, set the final pretrial conference in this matter for August 24, 2007 at 10 a.m.;

WHEREAS, CNG filed a Motion For In Limine Relief that does seek the exclusion of expert testimony under *Daubert* on July 13, 2007;

WHEREAS, Local Civil Rule 7.2(a)(2)'s requirement that responses to motions shall be filed within 21 days after the service of the motion requires Google to file a response to CNG's Motion For In Limine Relief no later than August 3, 2007;

WHEREAS, Google intends to file, but has not yet done so, a motion (or motions) in limine that do not address the admissibility of expert testimony under *Daubert*;

WHEREAS, the parties agree that, if possible, they should file oppositions to one another's motions in limine that do not address the admissibility of expert testimony under *Daubert* on the same day;

NOW THEREFORE, the parties stipulate to and request that the Court enter the following order:

Google need not file a responsive brief to CNG's Motion For In Limine Relief by August 3, 2007, and the Court will set a deadline by which Google must file its response to that motion at the final pretrial conference.

IT IS SO STIPULATED.

Dated: July 20, 2007

/s/ Klaus H. Hamm  
Kenneth F. Seibel (0025168)  
Jacobs, Kleinman, Seibel and McNally  
1014 Vine Street, Suite 2300  
Cincinnati, OH 45202  
Telephone: (513) 281-6600  
kseibel@jksmlaw.com

Michael H. Page (*pro hac vice*)  
Klaus H. Hamm (*pro hac vice*)  
Keker & Van Nest LLP  
710 Sansome Street  
San Francisco, CA 94107  
Telephone: (415) 391-5400  
mpage@kvn.com  
khamm@kvn.com

Attorneys for Defendant and Counterclaim-Plaintiff Google, Inc.

Dated: July 20, 2007

s/ Barry Hunter by s/ Klaus Hamm per email  
authorization  
Ann Gallagher Robinson  
Frost Brown Todd LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, OH 45202-4182  
arobinson@fbtlaw.com

Barry D. Hunter  
Medrith Lee Norman  
Frost Brown Todd LLC  
250 West Main Street, Suite 2700  
Lexington, KY 40507  
bhunter@fbtlaw.com  
mnorman@fbtlaw.com

Attorneys for Plaintiff and Counterclaim-Defendant CNG Financial Corporation

**ORDER**

Google need not file a responsive brief to CNG's Motion For In Limine Relief by August 3, 2007, and the Court will set a deadline by which Google must file its response to that motion at the final pretrial conference.

SO ORDERED this 26<sup>th</sup> day of July, 2007.

By:   
United States District Court Judge