

Robert L. Aldisert, OSB No. 940433
 RAldisert@perkinscoie.com
Julia E. Markley, OSB No. 000791
 JMarkley@perkinscoie.com
 PERKINS COIE LLP
 1120 N.W. Couch Street, Tenth Floor
 Portland, OR 97209-4128
 Telephone: 503.727.2000
 Facsimile: 503.727.2222

David J. Burman, WSB No. 10611
 DBurman@perkinscoie.com
 (admitted *pro hac vice*)
Susan D. Fahringer, WSB No. 21567
 SFahringer@perkinscoie.com
 (admitted *pro hac vice*)
 PERKINS COIE LLP
 1201 Third Avenue, Suite 4800
 Seattle, WA 98101-3099
 Telephone: 206.359.8000
 Facsimile: 206.359.9000

Attorneys for Defendant
 Google Inc.

UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 PORTLAND DIVISION

VICKI VAN VALIN, on behalf of herself
 and all others similarly situated within the
 state of Oregon; NEIL MERTZ on behalf
 of himself and all others similarly situated
 within the state of Washington,

Plaintiffs,

v.

GOOGLE, INC., a Delaware corporation,

Defendant.

No. CV 10-557 ST

**UNOPPOSED MOTION TO STAY
 PRETRIAL DEADLINES**

1- UNOPPOSED MOTION TO STAY PRETRIAL
 DEADLINES

41063-0151/LEGAL18569603.2

Perkins Coie LLP
 1120 N.W. Couch Street, Tenth Floor
 Portland, OR 97209-4128
 Phone: 503.727.2000
 Fax: 503.727.2222

Google, Inc. ("Google") respectfully moves the Court for an Order to stay all case scheduling deadlines as detailed in this motion. Plaintiffs and Google, by and through their respective counsel, have conferred regarding this motion, and plaintiffs' counsel stipulates to and does not oppose this motion. This motion is supported by the separately filed Declaration of David J. Burman.

On May 17, 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. Seven other cases were filed in five federal judicial districts which also allege that Google violated the federal Wiretap Act, among other laws, by allegedly using its Street View vehicles to receive data being transmitted over open Wi-Fi connections ("Google Wi-Fi Cases"). Google is the sole defendant in all of the Google Wi-Fi Cases.

On June 14, 2010, plaintiffs in the case *Keyes v. Google Inc.*, No. 1:10-cv-0896-JDB (D.D.C.), pursuant to 28 U.S.C. § 1407, moved the United States Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") for an order transferring the Google Wi-Fi Cases, as well as all subsequently filed related actions, to the United States District Court for the District of Columbia for coordinated or consolidated pretrial proceedings. The *Keyes* plaintiffs' motion for transfer of actions and for coordinated or consolidated pretrial proceedings remains pending before the JPML.

Google agrees with the *Keyes* plaintiffs that the cases should be consolidated but will ask the Panel to transfer the Google Wi-Fi Cases, as well as all subsequently filed related actions, to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings.

In consideration of the foregoing, Google moves the Court for an Order as follows:

1. All pretrial deadlines shall be stayed pending the JPML's resolution of whether the Google Wi-Fi cases, and all subsequently filed related actions, should be transferred to a single judicial district for coordinated or consolidated pretrial proceedings;
2. In the event that the JPML denies transfer of the Google Wi-Fi cases, and all subsequently-filed related actions, to a single judicial district for coordinated or consolidated pretrial proceedings, Google shall have thirty days from the date of the order denying transfer to plead, answer, move, or otherwise respond to plaintiffs' class action complaint; and
3. In the event that the JPML orders the transfer of the Google Wi-Fi cases, and all subsequently filed related actions, to a single judicial district for coordinated or consolidated pretrial proceedings, Google shall plead, answer, move, or otherwise respond to plaintiffs' class action complaint within thirty days from (a) the date that plaintiffs file a master consolidated complaint in the transferee district or (b) the date that it is resolved by the transferee court and/or counsel for plaintiffs and Google that no master consolidated complaint will be filed.

Pursuant to Local Rule 11-1(d), all parties consent to the electronic filing of this document.

DATED: June 21, 2010

PERKINS COIE LLP

By: /s/ Julia E. Markley
Robert L. Aldisert, OSB No. 940433
RAldisert@perkinscoie.com
Julia E. Markley, OSB No. 000791
JMarkley@perkinscoie.com
1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
Telephone: 503.727.2000
Facsimile: 503.727.2222

David J. Burman, WSB No. 10611
DBurman@perkinscoie.com
(admitted *pro hac vice*)
Susan D. Fahringer, WSB No. 21567
SFahringer@perkinscoie.com
(admitted *pro hac vice*)
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

Attorneys for Defendant Google Inc.

RICK KLINGBEIL, PC

By: /s/ Rick Klingbeil
Rick Klingbeil, OSB No. 933326
rick@klingbeil-law.com
520 SW Sixth, Suite 950
Portland, OR 97204
Telephone: (503) 473-8565

Brady Mertz, OSB No. 970814
brady@bradymertz.com
2285 Liberty Street NE
Salem, OR 97301
Telephone: (503) 385-0121

Brooks Cooper, OSB No. 941772
brooks@bcooper-law.com
520 SW Sixth Avenue, Suite 914
Portland, OR 97204
Telephone: (971) 645-4433

Attorneys for Plaintiffs