

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**THE RODNEY A. HAMILTON LIVING
TRUST and JOHN BECK AMAZING
PROFITS, LLC, Individually and on Behalf of
All Others Similarly Situated,**

Plaintiffs,

v.

**(1) GOOGLE, INC.; AND
(2) AOL, LLC**

Defendants.

Civil Action No. 2:09-cv-00151-TJW-CE

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

JOINT MOTION FOR ENTRY OF DOCKET CONTROL AND DISCOVERY ORDER

Plaintiffs The Rodney A. Hamilton Living Trust and John Beck Amazing Profits, LLC, individually and on behalf of all others similarly situated and Defendants Google Inc. and AOL LLC, respectfully request that, on resolution of the issues of disagreement, as described below, the Court enter the attached proposed Docket Control and Discovery Order.

Despite meeting and conferring over several hours, and over several days, the parties were unable to reach agreement on various of the matters discussed pursuant to this Court's October 6, 2009 order and Rule 26(f) of the Federal Rules of Civil Procedure. Accordingly, the attached proposed Docket Control and Discovery Order reflects such areas of disagreement for consideration by the Court.

Dated: October 23, 2009

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THE RODNEY A. HAMILTON LIVING
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Attorneys for Defendants GOOGLE INC.
and AOL LLC

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on October 23, 2009 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: October 23, 2009

/s/ Marc A. Fenster
Marc A. Fenster