

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,	§	
	§	Civil Action No. 2:09-cv-00151-TJW-CE
	§	
Plaintiffs,	§	CLASS ACTION COMPLAINT
	§	
v.	§	
	§	
(1) GOOGLE, INC.; AND	§	JURY TRIAL REQUESTED
(2) AOL, LLC	§	
	§	
Defendants.	§	

**JOINT MOTION TO CONTINUE CERTAIN DEADLINES**

Plaintiffs John Beck Amazing Profits, LLC and The Rodney A. Hamilton Living Trust (collectively “Plaintiffs”) and Defendants Google Inc. and AOL INC (collectively “Defendants”) hereby jointly move the Court to continue the deadlines and hearing date set forth in the Court’s November 6, 2009 Docket Control Order (“DCO”) relating to class certification and *Daubert/Kumho* motions, and would respectfully show the Court the following:

1. Under the DCO, the deadline for Plaintiffs to file their Motion for Class Certification is August 17, 2010; the deadline for Defendants to file oppositions to Plaintiffs’ Motion for Class Certification is September 17, 2010; the deadline for Plaintiffs to file their Reply to Defendants’ oppositions to Plaintiffs’ Motion for Class Certification is October 1, 2010; and the deadline for Defendants to file Sur-Replies on Plaintiffs’ Reply to Defendants’ oppositions to Plaintiffs’ Motions for Class Certification is October 15, 2010. In addition, the hearing on Plaintiff’s Motion for Class Certification is set for 1:30 p.m. on October 26, 2010.

2. Under the DCO, the parties’ deadline to file *Daubert/Kumho* challenges is August 17, 2010.

3. Certain counsel for Plaintiffs have a trial setting in this Court the first two weeks of August 2010. Accordingly, conditioned upon the Court's approval, Plaintiffs have requested, and Defendants have agreed, to continue each of the aforementioned deadlines for approximately 30 days as follows:

- a. Deadline for Plaintiffs to file Motion for Class Certification: **September 17, 2010.**
- b. Deadline for Defendants to file Opposition to Plaintiffs' Motion for Class Certification: **October 18, 2010.**
- c. Deadline for Plaintiffs to file a Reply to Defendants' Opposition to Plaintiffs' Motion for Class Certification: **November 1, 2010.**
- d. Deadline for Defendants to file a Sur-Reply on Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Class Certification: **November 15, 2010.**
- e. Hearing on Plaintiffs' Motion for Class Certification: **Subject to the Court's revised setting.**
- f. Deadline to file a *Daubert/Kumho* challenge to any expert witness designated in accordance with the DCO: **September 17, 2010.**

4. Finally, the discovery deadline under the DCO is Friday, July 30, 2010. Conditioned upon the Court's approval, Plaintiffs have requested, and Defendants have agreed, to allow Plaintiffs to take the deposition of Defendants' expert, Dr. Itamar Simonson, after the close of discovery, namely, on a mutually agreeable date at the end of August, 2010. The parties respectfully ask the Court for leave to allow Plaintiffs to take this deposition after the discovery deadline.

5. The aforementioned extensions will not impact any other deadlines imposed by this Court or interfere with the orderly preparation of the case.

6. These extensions are being requested not to delay the case but so that justice can be done.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that the Court grant this Motion and revise the Docket Control Order accordingly.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2010, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to individuals who have consented in writing to accept this Notice as service of this document by electronic means. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by first class mail today, August 4, 2010.

/s/ Charles L. Babcock  
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Charles L. Babcock