

**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

AGREED MOTION TO MODIFY DOCKET CONTROL ORDER

Plaintiffs The Rodney Hamilton Trust and John Beck Amazing Profits, LLC, and Defendants Google Inc. and AOL Inc. (collectively “Movants”) file this Agreed Motion to Modify the Court’s Docket Control Order entered in this case on November 6, 2009, and respectfully show as follows:

1. The current order is silent on the briefing schedule on Defendants’ Daubert Motion, filed September 17, 2010, and the parties desire the following schedule:

- Plaintiff’s Opposition: October 14, 2010
- Defendants’ Reply: October 25, 2010
- Plaintiff’s Sur-reply: November 4, 2010

2. The parties also request that Defendants be permitted twenty (20) pages for their brief in response to Plaintiffs’ Opposed Motion for Class Certification in this matter.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiffs The Rodney Hamilton Trust and John Beck Amazing Profits, LLC, and Defendants Google Inc. and AOL Inc. request that the Court grant their Agreed Motion to Modify the Court's Docket Control Order and grant them any other relief to which they are entitled.

Dated: October 6, 2010

Respectfully submitted,

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