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Attorneys for Plaintiff GOOGLE INC.

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IN THE UNITED STATES DISTRICT COURT,  
 DISTRICT OF UTAH, CENTRAL DIVISION

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GOOGLE INC., a Delaware corporation,

Plaintiff,

v.

PACIFIC WEBWORKS, INC., a Nevada  
 corporation, and DOES 1-50,

Defendants.

Case No. 2:09-cv-1068

**STIPULATED MOTION TO CONTINUE  
 THE INITIAL STATUS AND  
 SCHEDULING CONFERENCE AND FOR  
 EXTENSION OF TIME TO FILE A  
 WRITTEN RULE 26(f) REPORT**

Judge: Bruce S. Jenkins

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Plaintiff Google Inc. (“Google”) and Defendant Pacific WebWorks, Inc (“Pacific WebWorks”), (collectively, the “Parties”) by and through their undersigned counsel, submit this Stipulated Motion to Continue the Initial Status and Scheduling Conference and for Extension of Time to File a Written Rule 26(f) Report. Pursuant to D.U. Civ. R. 7-1(b), no memorandum of supporting authorities is required for this type of Motion to extend the time for the performance of an act or to continue a pretrial hearing. In support thereof, the Parties state as follows:

1. Pursuant to the Notice of Hearing, dated February 5, 2010, the Initial Status and Scheduling Conference (the “Initial Status Hearing”) for this Case is scheduled for March 22, 2010 at 1:20 PM in Room 420 before Judge Bruce S. Jenkins.

2. Pursuant to the Notice of Hearing, Fed. R. Civ. P. 26(f), and D.U. Civ. R. 16-1(a)(1), counsel for the Parties are required to meet fourteen (14) days prior to the Initial Status Hearing to prepare a proposed plan of discovery and case preparation pursuant to Rule 26(f). A written report outlining the proposed plan (the “Written Rule 26(f) Report”) shall be filed with the Court no later than ten (10) days prior to the Initial Status Hearing, *i.e.*, by March 12, 2010.

3. In light of the foregoing, counsel for the Parties met on February 10, 2010, to conduct their Rule 26(f) Conference, during which they discussed the topics to be included in the Written Rule 26(f) Report based on the form Attorneys’ Planning Meeting Report available from the Court’s website.

4. The Parties have been diligently conducting discovery (*e.g.*, Pacific WebWorks has produced over 50,000 pages for Google to review and is still producing responsive information to Google). Further, the Parties are preparing to conduct additional discovery in the next few weeks (*e.g.*, a comprehensive Rule 30(b)(6) deposition) and then hope to reach a resolution of the case against Pacific WebWorks.

5. In addition to its discovery from and negotiations with Pacific WebWorks, Google has been diligently conducting expedited discovery with regard to third parties and is preparing to move to amend its Complaint to substitute a named defendant for at least one Doe Defendant in the coming weeks.

6. The identification of the new Defendant(s), in addition to the potential resolution with Pacific WebWorks, may alter the nature of the claims and defenses and the scope and subjects of discovery. Hence, the parties believe it is in the interest of judicial economy to postpone the March 12, 2010 Written Rule 26(f) Report and the March 22, 2010 Initial Status Hearing so that Google and the new Defendant(s) will have ample time to discuss such issues. A short postponement of these deadlines will also allow Google and Pacific WebWorks sufficient time to focus on conducting the remaining discovery and finalizing a resolution.

7. Accordingly, the Parties seek to postpone the Initial Status Hearing by approximately four (4) weeks, to on or after April 22, 2010, subject to the Court's availability. Similarly, the Parties seek a related extension to file the Written Rule 26(f) Report by no later than ten (10) days prior to the rescheduled Initial Status Hearing.

8. Further, the Parties stipulate that Google does not have to provide its Initial Disclosures required under Fed. R. Civ. P. 26(a) until thirty (30) days after the new Defendant(s) are served or joined, which is consistent with the new Defendants' obligations to provide Initial Disclosures under Fed. R. Civ. P. 26(a)(1)(D).

9. The district court has broad discretion over the control of discovery, and the Tenth Circuit will not set aside discovery rulings absent an abuse of that discretion. *See Res Assocs. Grant Writing & Evaluation Servs. LLC v. Maberry*, No. CIV 08-0552 JB/LAM, 2009 U.S. Dist. LEXIS 45657, at \*9 (D.N.M. Feb. 5, 2009) (internal citations omitted). Granting this Stipulated Motion to Continue the Initial Status and Scheduling Conference and for Extension of Time to File a Written Rule 26(f) Report is within the Court's broad discretion and will promote

judicial economy and prompt resolution of claims. *See* Fed. R. Civ. P. 1 (promoting the just, speedy, and inexpensive determination of every action and proceeding).

WHEREFORE, the Parties jointly apply to this Court for an Order granting approximately a four (4) week continuance of the Initial Status Hearing, to on or after April 22, 2010, subject to the Court's availability thereafter. The Parties also seek a related extension to file the Written Rule 26(f) Report to no later than ten (10) days prior to the rescheduled Initial Status Hearing. Attached is a proposed order.

Dated this 3rd day of March, 2010.

/s/ Craig Buschmann  
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*Attorney for Pacific WebWorks, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of March, 2010, I caused a true and correct copy of the **STIPULATED MOTION TO CONTINUE THE INITIAL STATUS AND SCHEDULING CONFERENCE AND FOR EXTENSION OF TIME TO FILE A WRITTEN RULE 26(f) REPORT** to be served as follows:

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By: /s/ Patricia L. Gray