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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 (“Motion”). It is in the interest of judicial economy to grant this Motion as the Parties have been diligently trying to resolve their dispute and believe that a John Doe defendant in this lawsuit will be identified shortly. 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. An Initial Status and Scheduling Conference (“Initial Status Hearing”) is currently set for April 22, 2010 at 1:20 PM in Room 420 before Judge Bruce S. Jenkins. Further, pursuant to this Court’s March 5, 2010 Order [Doc. No. 35], the Parties were 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) and submit a written report outlining the proposed plan (the “Written Rule 26(f) Report”) to the Court by no later than ten (10) days prior to the Initial Status Hearing, *i.e.*, by April 12, 2010.

2. Although the Parties previously requested that the Initial Status Hearing and related deadlines be extended by approximately four weeks, the Parties believe that an additional extension of four weeks is warranted.

3. The Parties have been diligently working to advance this case since their initial request to extend the Initial Status Hearing and related deadlines. Since the prior Stipulated Motion to Continue was granted on March 5, Plaintiff has continued to pursue its third party discovery and has prepared an Amended Complaint to identify a John Doe, which will be submitted to the Court once the Parties finalize a Stipulated Motion to Amend the Complaint. Plaintiff also took a two-day Rule 30(b)(6) deposition of Pacific WebWorks, after which Pacific WebWorks provided additional discovery to Plaintiff. The Parties are also continuing to work on a proposed Stipulated Final Judgment that would resolve Plaintiff’s dispute with Pacific WebWorks.

4. 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. Therefore, the Parties believe it is in the interest of judicial economy to continue the April 12, 2010 Written Rule 26(f) Report and the April 22, 2010 Initial Status Hearing so that Google and any newly named Defendant(s) will have ample time to discuss this matter. A short postponement of these deadlines will also allow Google and Pacific WebWorks sufficient time to finalize a resolution.

5. Accordingly, the Parties seek to postpone the Initial Status Hearing by approximately four (4) weeks, to on or after May 20, 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.

6. 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 May 20, 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 9th day of April, 2010.

/s/ Craig Buschmann  
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*Attorneys for Google Inc.*

/s/ Jeffery M. Lillywhite  
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*Attorney for Pacific WebWorks, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of April, 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/ Sherice L. Atterton