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Attorneys for Plaintiff GOOGLE INC.

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

<p>GOOGLE INC., a Delaware corporation,           Plaintiff,           v.           PACIFIC WEBWORKS, INC., a Nevada          corporation, and DOES 1-50,           Defendants.</p>	<p><b>Case No. 2:09-cv-1068-BSJ</b></p> <p><b>STIPULATED MOTION TO CONTINUE          THE INITIAL STATUS AND SCHEDULING          CONFERENCE AND FOR EXTENSION OF          TIME TO FILE A WRITTEN RULE 26(f)          REPORT</b></p> <p><b>Judge Bruce S. Jenkins</b></p>
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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 are finalizing a settlement of their dispute and a John Doe

defendant, Bloosky Interactive, LLC, has been identified in Google's proposed Amended Complaint submitted on May 17, 2010 [Doc. No. 40]. 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 May 28, 2010 at 11:30 AM in Room 420 before Judge Bruce S. Jenkins. Further, pursuant to this Court's April 12, 2010 Order [Doc. No. 38], 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 May 18, 2010.

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

3. The Parties have been working diligently to advance this case since their prior requests to extend the Initial Status Hearing and related deadlines. Since the Parties' second Stipulated Motion to Continue was granted on April 12, Plaintiff has continued discovery, the Parties have continued to work on finalizing a resolution of Google's claims against Pacific WebWorks and Google has now filed a Stipulated Motion to Amend its Complaint to identify another defendant, Bloosky Interactive. Once a resolution with Pacific WebWorks is finalized

and Google's Amended Complaint is entered, the Parties anticipate filing a proposed Stipulated Final Judgment that would resolve Plaintiff's dispute with Pacific WebWorks.

4. The identification of the new defendant, Bloosky Interactive, in addition to the 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 Rule 26(f) conference, the Rule 26(f) Report and Discovery Plan currently due on May 18 and the Initial Status Hearing currently scheduled for May 28 until after the newly named Defendant answers the amended complaint so Google and Bloosky can conduct the Rule 26(f) conference, submit the Rule 26(f) Report and attend the Initial Status Hearing. A short postponement of these deadlines will also allow Google and Pacific WebWorks sufficient time to finalize a resolution so that Pacific WebWorks does not need to participate in the Rule 26(f) conference or attend the Initial Status Hearing.

5. Accordingly, the Parties seek to postpone the Initial Status Hearing by approximately six (6) weeks, to on or after July 7, 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. However, the Parties do not seek to postpone the hearing on the joint motion for entry of a protective order [Doc. No. 36], which the Court this morning set for hearing on May 28 at 11:30 am [Doc. No. 39], the same day and at the same time as the scheduled 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 six (6) week continuance of the Initial Status Hearing, to on or after July 7, 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 17th day of May, 2010.

/s/ George M. Haley  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of May, 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/ \_\_\_\_\_