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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: GOOGLE INC. GMAIL
LITIGATION

Case No. 5:13-MD-002430-LHK (PSG)

JOINT CASE MANAGEMENT STATEMENT

Date: September 5, 2013
Time: 1:30 p.m.
Courtroom: 8 – 4th Floor
Judge: Hon. Lucy H. Koh
Trial date: None Set

1 **I. INTRODUCTION**

2 Plaintiffs and Defendant Google Inc. ("Google") hereby submit this Joint Case
3 Management Statement pursuant to Civil Local Rule 16-9 to provide an update of events since
4 the last case management conference in this matter on May 8, 2013. Except as otherwise
5 updated below, the Parties' positions are as set forth in the prior Joint Case Management
6 Statements filed April 18, 2013 and May 1, 2013.

7 **1. Motions.**

8 At the suggestion of the Court, and by agreement of the parties, all non-administrative
9 motions in the consolidated cases have been withdrawn. The Court ruled on the administrative
10 motions previously pending in *Dunbar v. Google Inc.*, 5:12-cv-03305-LHK (PSG) on August
11 14, 2013 and August 19, 2013, and Google filed sealed and unsealed copies of materials in
12 compliance with the Court's determinations.

13 Currently pending before this Court is Google's Motion to Dismiss Plaintiffs'
14 Consolidated Individual and Class Action Complaint. The parties have completed briefing on
15 the latter motion, and hearing on that motion is set for September 5, 2013.

16 **2. Pleadings.**

17 Plaintiffs filed a Consolidated Complaint on May 17, 2013.

18 **3. Discovery Matters.**

19 The parties have entered a protective order, served various discovery requests and
20 responses, and conferred on several discovery issues.

21 Plaintiffs have served Requests for Production of Documents; Google has provided its
22 responses and objections to those Requests and has begun producing further responsive
23 documents, in addition to the documents previously produced in the *Dunbar* matter, which have
24 been made available for use in this MDL. Google has served Requests for Production of
25 Documents on Plaintiffs; Plaintiffs have provided responses and objections to those Requests.

26 Plaintiffs have served Interrogatories, to which Google has responded. Google has
27 served Interrogatories, to which Plaintiffs have responded. Two 30(b)(6) depositions of Google
28 witnesses took place this week and the parties are conferring on the scheduling of further

depositions. Google has requested that the named Plaintiffs be deposed before the class certification process. The parties are currently scheduling those depositions.

The parties continue to negotiate an agreement regarding coordination of discovery in this action and in the related *Diamond v. Google Inc.* action in California state court, and anticipate finalizing that agreement in the next ten business days.

4. Related Cases.

Pursuant to the Parties' joint request in the Supplemental Joint Case Management Statement filed May 1, 2013, the Court consolidated the action titled *Fread v. Google Inc.*, Northern District of California, No. 5:13-cv-01961 with this action.

Respectfully Submitted,

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1 Dated: August 29, 2013

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19 *Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Whitty*
20 *Somvichian hereby attests that concurrence in the filing of this document has been obtained.*