

UNITED STATES DISTRICT COURT DISTRICT OF COLUMBIA

BALDINO'S LOCK & KEY SERVICE, INC.
7000-G Newington Road
Lorton, VA 22079

Case 1:16-cv-02360-KBJ

Plaintiff,

v.

GOOGLE INC.
1600 Amphitheater Parkway
Mountain View, CA 94043

Service Address:
GOOGLE INC.
C/O CORPORATION SERVICE COMPANY
2711 CENTERVILLE RD SUITE 400
WILMINGTON, DE 19808

YAHOO! INC.
701 First Ave
Sunnyvale, CA 94089

Service Address:
YAHOO! INC.
C/O THE CORPORATION TRUST COMPANY
CORPORATION TRUST CENTER
1209 ORANGE ST
WILMINGTON, DE 19801

MICROSOFT CORPORATION
Microsoft Headquarters
One Microsoft Way
Redmond, WA 98052

Service Address:
MICROSOFT CORPORATION
C/O CORPORATION SERVICE COMPANY
300 DESCHUTES WAY SW STE 304
TUMWATER, WA 98501-7719

Defendants.

CONSENT MOTION REGARDING PROPOSED AMENDED COMPLAINT

Plaintiff Baldino's Lock & Key Service, Inc. ("Plaintiff"), with the consent of Defendants Google Inc., Yahoo! Inc. and Microsoft Corporation (collectively, "Defendants"), by and through their undersigned counsel, hereby moves for leave to file its First Amended Complaint and to set a thirty-day time period for Defendants to answer, move, or otherwise respond to the proposed First Amended Complaint, and in support states as follows:

1. On December 16, 2016, Plaintiff filed a Proof of Service of the Complaint in this matter, stating that "all Defendants received service of process by USPS Certified Mail on December 8, 2016." (ECF No. 5.)

2. Following submission of a Consent Motion (ECF No. 9) and by Minute Order dated December 22, 2016, this Court granted an initial extension of time for Defendants to answer, move or otherwise respond to the Complaint, to and including January 30, 2017.

3. Plaintiff now seeks leave to file its First Amended Complaint, submitted herewith as Exhibit A.

4. Because the rules permit the filing of one amended pleading as of right, Defendants are not contesting Plaintiff's request for leave to file the First Amended Complaint. Defendants are also not contesting the initial service of the Complaint in this matter. However, Defendants do expressly reserve the right to contest whether any Defendant is properly named, and do so without waiving any defenses, including those related to personal jurisdiction and venue, and reserve all other rights, defenses and objections, including the right to assert that the First Amended Complaint fails to state a claim.

5. Should leave to file the First Amended Complaint be granted, Defendants would have fourteen days or less to respond under Rule 15 of the Federal Rules of Civil Procedure. The proposed Amended Complaint contains more than 190 numbered paragraphs and eight alleged counts. To permit Defendants adequate time to review the First Amended Complaint and for counsel to confer with and obtain input from in-house counsel and employees regarding the same, Defendants request and Plaintiff consents to an additional sixteen days for Defendants to respond, for a total of 30 days.

6. The requested relief will have no impact on previously established deadlines other than the January 30, 2017 deadline for Defendants' responses to the initial Complaint.

7. The parties agree that any further proposed amendments to the complaint in this matter will require leave of court.

8. The parties have conferred in accordance with LCvR 7(m), and consent to the relief requested in this motion.

9. Accordingly, for good cause shown and with the consent of Defendants, Plaintiff requests that the Court enter an order granting Plaintiff leave to file the proposed First Amended Complaint and permitting Defendants' responses to the First Amended Complaint to be filed within thirty (30) days of service thereof.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that this Court enter the attached Proposed Order.

Dated: January 13, 2017

Respectfully submitted,

 /s/
Jeffrey Waintroob Roberts (DC Bar No. 1007523)
Barry Roberts (DC Bar No. 77990)

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*Attorneys for Plaintiff Baldino's Lock & Key
Service, Inc.*

With the Consent of:

_____/s/_____

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_____/s/_____

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_____/s/_____

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Attorneys for Defendant Yahoo! Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2017 I electronically filed the foregoing document using the Court's CM/ECF system, which sent notification of such filing to all counsel of record.

_____/s/_____

Jeffrey Waitroob Roberts
(DC Bar No. 1007523)