IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ECOFACTOR, INC., ***Plaintiff,***	§	
	§	
	§	**6:20-CV-00075-ADA**
v.	§	
	§	
GOOGLE LLC, ***Defendant.***	§	
	§	
	§	

ORDER DENYING MOTION TO CONTINUE TRIAL

The Court considers Google Inc.'s ("Google") motion to continue the January 31, 2022 trial by eight weeks. Dkt. No. 174. EcoFactor, Inc. ("EcoFactor") opposes the continuance. Dkt. No. 175.

Google seeks a continuance because the Omicron variant of COVID-19 has rapidly spread throughout the community. This spread will prevent six of Google's nine witnesses from testifying in person, but the witnesses can still testify remotely. Dkt. No. 174 at 2. Google has no evidence that the Omicron variant will die down in eight weeks.

The parties have already agreed to COVID-19 protections. Dkt. No. 169 at 25, 31, 38. These agreements include a prohibition against using COVID-19 related conditions against witnesses and specifically prevent EcoFactor from holding video witness testimony against Google. *Id.* at 31. Thus, any prejudice against Google is mitigated.

Google's motion to continue the trial is **DENIED**.

SIGNED this 12th day of January, 2022.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE