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 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10 GENERAL CHARLES E. "CHUCK"  
 11 YEAGER (RET.),  
 12 Plaintiff,  
 13 v.  
 14 AT&T MOBILITY, LLC; and DOES 1  
 through 200, inclusive,  
 15 Defendants.  
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Case No. 2:07-cv-02517 FCD GGH

**STIPULATION AND ORDER TO STAY  
 PROCEEDINGS AND CONTINUE  
 TRIAL DATE PENDING MOTION FOR  
 CERTIFICATE OF APPEALABILITY  
 UNDER 28 U.S.C. § 1292(b)**

The Honorable Frank C. Damrell, Jr.

RECITALS

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 20 Whereas Defendant AT&T Mobility, LLC ("Defendant") filed a motion for  
 21 summary judgment on October 2, 2009;

22 Whereas the Court issued an order denying the Defendant's motion for summary  
 23 judgment on December 7, 2009;

24 Whereas Defendant believes that the Court's order involves several controlling  
 25 questions of law as to which there is a substantial ground for difference of opinion, and that an  
 26 immediate appeal from the order may materially advance the ultimate termination of the  
 27 litigation;

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1 Dated: December 24, 2009

DE LA PENA & MCDONALD LLP

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By: /s/ Charles J. Murray  
Charles J. Murray  
Attorneys for Plaintiff Chuck Yeager

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6 Dated: December 24, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

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By: /s/ Andrew W. Stroud  
Andrew W. Stroud  
Attorneys for Defendant AT&T Mobility, LLC

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**IT IS SO ORDERED.**

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12 Dated: December 28, 2009

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE

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