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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHARON NEWTON, individually and on)	Case No. 2:11-cv-00783-WBS-DAD
behalf of all others similarly situated,)	
)	
Plaintiffs,)	STIPULATION AND [PROPOSED] ORDER
)	AMENDING BRIEFING SCHEDULE ON
vs.)	DEFENDANT’S MOTION TO COMPEL
)	ARBITRATION
CLEARWIRE, INC.,)	
)	
Defendant.)	
)	

STIPULATION

The parties, by and through their attorneys of record, stipulate to amend the briefing and hearing schedule for Clearwire’s Motion to Compel Arbitration and Stay Claims (“Motion to Compel Arbitration”) [Dkt. 18]. The parties jointly request that the Court enter the following Order approving that Stipulation. In support of this request, the parties represent the following to the Court:

1. On May 13, 2011, the Court entered an order [Dkt. 17] approving the parties’ agreed briefing and hearing schedule on Clearwire’s Motion to Compel Arbitration as follows:
 - (a) Clearwire’s Motion to Compel Arbitration due no later than **June 9, 2011**, and set for hearing on **August 29, 2011**, at 2:00 p.m.;

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(b) Plaintiff’s response due no later than **July 8, 2011**; and

(c) Clearwire’s reply due no later than **July 22, 2011**.

2. On June 9, 2011, Clearwire filed its Motion to Compel Arbitration;

3. On June 20, 2011, Plaintiff served discovery that she deemed essential to issues identified in the Motion to Compel Arbitration;

4. Following a meet-and-confer process, Clearwire served its responses and certain responsive documents on July 5, 2011. In its response, Clearwire objected to Plaintiff’s Interrogatories and a number of Requests for Production of Documents, which had been subject to the meet-and-confer process. After further meeting and conferring, the parties remain at an impasse regarding these objections;

5. Plaintiff will file a Motion to Compel Discovery and Joint Statement Regarding the Discovery Disagreement by **July 21, 2011**, and will set the Motion to Compel for hearing at a mutually convenient time. Plaintiff will provide her portion of the Joint Statement to Clearwire no later than **July 13, 2011**. Clearwire will add its portion to the Joint Statement and provide it to Plaintiff by **July 20, 2011**.

6. The deadline for filing Plaintiff’s response to the Motion to Compel Arbitration shall be moved from **July 8, 2011**, to **7 days following** either (1) the Court’s entry of an order denying the Motion to Compel Discovery or (2) Clearwire’s production of information or documents the Court orders Clearwire to produce in granting the Motion to Compel Discovery.

7. The deadline for filing Clearwire’s reply in support of its Motion to Compel Arbitration shall be moved from **July 22, 2011**, to **21 days following** Plaintiff’s response to that Motion. The parties agree to amend further the scheduled reply date should Clearwire require any discovery from the Plaintiff.

8. The parties agree that this pre-arbitration discovery does not constitute a waiver of any right that Clearwire may have to compel arbitration.

9. The parties agree to strike the current **August 29, 2011**, hearing date for Clearwire’s Motion to Compel Arbitration, which will be reset at a mutually convenient time for the parties and the Court.

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Stipulated and respectfully submitted this 7th day of July, 2011.

For Clearwire Corporation:

For Plaintiff:

DAVIS WRIGHT TREMAINE LLP

AUDET & PARTNERS, LLP

By: _____
Kenneth E. Payson

By: _____
Jonas P. Mann

Attorneys for Defendant
CLEARWIRE CORPORATION

Attorneys for Plaintiff
SHARON NEWTON

ORDER

IT IS SO ORDERED. The Court amends the schedule. The parties shall adhere to the schedule above. Any motions to compel discovery shall be noticed for hearing before the assigned Magistrate Judge in accordance with Local Rule 302(c)(1). The Court strikes the August 29, 2011, hearing date on Clearwire's Motion to Compel Arbitration and Stay Claims, to be reset by further order of the Court.

DATED this 8th day of July, 2011.



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this day, I caused to be electronically filed the foregoing document
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing
4 to the following counsel of record:

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20 DATED this 7th day of July, 2011.

21 /s/ Jonas P. Mann
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