

1 ROCHELLE L. WILCOX (State Bar No. 197790)
 DAVIS WRIGHT TREMAINE LLP
 2 865 S. Figueroa St., Suite 2400
 Los Angeles, California 90017-2566
 3 Telephone (213) 633-6800
 Fax (213) 633-6899
 4 Email: rochellewilcox@dwt.com

5 STEPHEN M. RUMMAGE (*Admitted Pro Hac Vice*)
 KENNETH E. PAYSON (*Admitted Pro Hac Vice*)
 6 DAVIS WRIGHT TREMAINE LLP
 1201 Third Avenue, Suite 2200
 7 Seattle, WA 98101-3045
 Telephone (206) 622-3150
 8 Fax (206) 757-7700
 9 Email: steverummage@dwt.com; kenpayson@dwt.com

10 Attorneys for Defendant CLEARWIRE CORPORATION,
 erroneously sued as CLEARWIRE, INC.

11
 12 IN THE UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

14
 15 SHARON NEWTON, individually and on) Case No. 2:11-cv-00783-WBS-DAD
 behalf of all others similarly situated,)
 16)
 Plaintiffs,) STIPULATION AND [~~PROPOSED~~] ORDER
) REGARDING COMPLIANCE WITH
 17 vs.) DISCOVERY OBLIGATIONS AND
) BRIEFING SCHEDULE ON DEFENDANT’S
 18) MOTION TO COMPEL ARBITRATION
 CLEARWIRE, INC.,)
)
 Defendant.)
 20)

21 **STIPULATION**

22 Plaintiff Sharon Newton and Defendant Clearwire Corporation, by and through their
 23 attorneys of record, stipulate that (a) Clearwire’s production of certain documents, together with
 24 its early discovery responses and document production, satisfies its arbitration-related discovery
 25 obligations, and (b) the briefing schedule for Clearwire’s pending Motion to Compel Arbitration
 26 and Stay Claims [Dkt. 18] (“Motion to Compel Arbitration”) should be amended. The parties
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DAVIS WRIGHT TREMAINE LLP

1 jointly request that the Court enter the following Order approving this Stipulation. In support of
2 this request, the parties represent the following to the Court:

3 1. On September 23, 2011, the Court entered an Order [Dkt. 30] (“Discovery Order”)
4 granting in part and denying in part Ms. Newton’s Motion to Compel Responses to Plaintiff’s
5 Discovery Requests [Dkt. 25] (“Discovery Motion”). The Court denied Ms. Newton’s Discovery
6 Motion with respect to her request for production of documents but granted the Motion with
7 respect to her request for further responses to Interrogatories Nos. 1–4. Disc. Order at 12–13.
8 Although the Court directed Clearwire to identify the “number of instances” and “the outcome” of
9 the topics requested in interrogatories Nos. 1–4, the Court denied Ms. Newton’s request that
10 Clearwire provide the “name of the customer” with respect to each topic. *Id.* at 12.

11 2. On October 24, 2011, in accordance with the Discovery Order, Clearwire served
12 Ms. Newton with its supplemental responses to Interrogatories Nos. 1–4. Thus, under the current
13 briefing schedule [Dkt. 23] (“Am. Schedule Order”), the deadline for Ms. Newton’s response to
14 Clearwire’s Motion to Compel Arbitration is **October 31, 2011** (seven days following Clearwire’s
15 production), and the deadline for Clearwire’s reply is **November 21, 2011** (twenty-one days
16 following Ms. Newton’s response). Am. Scheduling Order ¶¶ 6–7.

17 3. After Clearwire served its supplemental responses, Ms. Newton’s counsel
18 contacted Clearwire’s counsel and requested that Clearwire produce any documents that formed
19 the basis for its supplemental responses to Interrogatories Nos. 1–4. Clearwire objected to this
20 request on the ground that the Discovery Order denied Ms. Newton’s request for the production of
21 documents. *See* Disc. Order at 13. Nonetheless, in an effort to avoid involving the Court in
22 resolving another discovery dispute, Clearwire offered to produce the requested documents subject
23 to specific conditions.

24 4. Following a meet-and-confer process, the parties agreed as follows:

- 25 a. Clearwire will produce to Ms. Newton any complaints, docket materials, or
26 settlement agreements on which it relied in supplementing its responses to
27 Interrogatories Nos. 1–4;

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- b. Clearwire may redact from its document production any Clearwire customer names, personal information, case and docket numbers (but not court or forum names), or any other information that could lead to the discovery of the identity of Clearwire’s customers;
- c. Clearwire may designate as “Confidential” any settlement agreements with customers that it produces, and Ms. Newton will agree to a stipulated protective order to maintain the confidentiality of such designated materials;
- d. Upon Clearwire’s production of the above materials, Ms. Newton agrees that Clearwire has satisfied its discovery obligations and that arbitration-related discovery is complete;

5. In light of the Clearwire’s production of additional materials, the current briefing schedule, and the Thanksgiving holiday, the parties agree (subject to Court approval) to amend the briefing schedule so the deadline for Ms. Newton’s response to the Motion to Compel Arbitration will be **November 4, 2011**, and the deadline for Clearwire’s reply will be **December 1, 2011**. This amended schedule substantially follows the briefing interval previously approved by the Court. See Am. Scheduling Order ¶¶ 6–7.

Stipulated and respectfully submitted this 31st day of October, 2011.

For Clearwire Corporation:	For Plaintiff:
DAVIS WRIGHT TREMAINE LLP	AUDET & PARTNERS, LLP
By: <u>/s/ Kenneth E. Payson</u> Kenneth E. Payson	By: <u>/s/ Bryce Miller (authorized on October 31, 2011)</u> Bryce Miller
Attorneys for Defendant CLEARWIRE CORPORATION	Attorneys for Plaintiff SHARON NEWTON

ORDER

IT IS SO ORDERED. The Court approves the parties' stipulation regarding discovery and amends the briefing schedule on Clearwire's Motion to Compel arbitration as follows:

1. Plaintiff's response shall be due no later than *November 4, 2011*; and
2. Defendant's reply shall be due no later than *December 1, 2011*.

DATED this 1st day of November, 2011.



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

DAVIS WRIGHT TREMAINE LLP

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CERTIFICATE OF SERVICE

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

Michael McShane (mmcshane@audetlaw.com)
Jonas Mann (jmann@audetlaw.com)
Audet & Partners, LLP
221 Main Street, Suite 1460
San Francisco, CA 94105

Bryce Miller (bmmiller@baillonhome.com)
Baillon Thome Jozwiak Miller & Wanta LLP
222 South Ninth Street, Suite 2955
Minneapolis, MN 55402

DATED this 31st day of October, 2011.

s/ Kenneth E. Payson
Kenneth E. Payson, WSBA #26369
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
Telephone: (206) 622-3150
Fax: (206) 757-7700
E-mail: kenpayson@dwt.com