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

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

14 SHARON NEWTON, individually and on) Case No. 2:11-cv-00783-WBS-DAD
15 behalf of all others similarly situated,)
16 Plaintiffs,) JOINT STATUS REPORT, STIPULATION,
17 vs.) AND [PROPOSED] ORDER STAYING
18 CLEARWIRE, INC.,) ACTION AND VACATING SCHEDULING
19 Defendant.) CONFERENCE
20)

21 **JOINT STATUS REPORT AND STIPULATION**

22 On October 29, 2012, the Court entered an Order [Dkt. 51]: (i) staying this matter until
23 **January 21, 2013**; (ii) setting a Scheduling Conference for **February 19, 2013**; and (iii) ordering
24 the parties to file a Joint Status Report no later than **February 4, 2013**.

25 The parties, by and through their attorneys of record, provide this Joint Status Report
26 advising the Court that: (i) on December 20, 2012, the court in *Dennings v. Clearwire*
27 *Corporation*, Case No. 2:10-cv-01859-JLR (W.D. Wash.), entered a Settlement Order and Final
28 Judgment granting final approval of the parties' settlement which, among other things, resolved

1 the claims Ms. Newton asserted in the above-captioned action; and (ii) on January 18, 2013,
 2 objectors Gordon Morgan and Jeremy De La Gaza filed a Notice of Appeal of the Settlement
 3 Order and Final Judgment.

4 The parties, therefore, respectfully request that the Court vacate the Scheduling Conference
 5 set for **February 19, 2013**, and stay this case pending final affirmance on appeal of the Settlement
 6 Order and Final Judgment in *Dennings*, at which time the parties intend to file a stipulation and
 7 proposed order with this Court dismissing this action with prejudice and without award of costs to
 8 either party.

9 Respectfully submitted this 4th day of February, 2013.


10 For Clearwire Corporation:	For Plaintiff:
11 DAVIS WRIGHT TREMAINE LLP	AUDET & PARTNERS, LLP
12	
13 By: <u>/s/ Kenneth E. Payson</u>	By: <u>/s/ Jonas Mann (authorized on 2/4/13)</u>
14 Kenneth E. Payson (<i>admitted</i> <i>pro hac vice</i>)	Jonas Mann
15 Attorneys for Defendant	Of Attorneys for Plaintiff
16 CLEARWIRE CORPORATION	SHARON NEWTON
17	

18 **ORDER**

19 IT IS SO ORDERED.

20 The Court (i) APPROVES the parties' stipulation; (ii) VACATES the Scheduling
 21 Conference set for **February 19, 2013**, and (iii) STAYS this matter until **August 5, 2013**. The
 22 parties shall file a Joint Status Report no later than **August 5, 2013**. The Scheduling Conference is
 23 reset for **August 19, 2013 at 2:00 p.m.**

24 DATED this 14th day of February 2013.

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 27 WILLIAM B. SHUBB
 28 UNITED STATES DISTRICT JUDGE

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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:

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DATED this 4th day of February, 2013.

s/ Kenneth E. Payson

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