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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 ORDER DISMISSING ACTION  
18 CLEARWIRE, INC., )  
19 Defendant. )  
20 )

21 **JOINT STATUS REPORT AND STIPULATION**

22 On February 4, 2013, the parties filed a Joint Status Report [Dkt. 52] advising the Court  
23 that: (i) on December 20, 2012, the court in *Dennings v. Clearwire Corporation*, Case No. 2:10-  
24 cv-01859-JLR (W.D. Wash.), entered a Settlement Order and Final Judgment granting final  
25 approval of the parties' class action settlement which, among other things, resolved the claims Ms.  
26 Newton asserted in the above-captioned action; and (ii) on January 18, 2013, objectors Gordon  
27 Morgan and Jeremy De La Gaza filed a Notice of Appeal of the Settlement Order and Final  
28 Judgment.

1 On February 14, 2013, the Court entered an Order [Dkt. 53]: (i) vacating the scheduling  
2 conference scheduled for February 19, 2013; (ii) staying this matter until August 5, 2013; and  
3 (iii) ordering the parties to file a Joint Status Report no later than August 5, 2013.

4 On August 5, 2013, the parties filed a Joint Status Report [Dkt. 54] advising the Court that:  
5 (i) on April 22, 2013, the Ninth Circuit granted plaintiffs' motion for summary affirmance of the  
6 *Dennings* district court's Settlement Order and Final Judgment; (ii) the summary affirmance order  
7 became final on June 3, 2013; (iii) on May 3, 2013, the *Dennings* district court granted class  
8 counsel's motion for attorneys' fees and expenses; and (iv) on June 3, 2013, objectors appealed  
9 that order. The parties asked the Court to continue to stay this case pending final affirmance on  
10 appeal of the fee award in *Dennings*.

11 On August 7, 2013, the Court entered an order [Dkt. 55]: (i) staying the action until  
12 February 5, 2014; and (ii) ordering the parties to file a Joint Status Report no later than  
13 February 5, 2014.

14 The parties, by and through their attorneys of record, provide this Joint Status Report  
15 advising the Court that:

- 16 • On June 28, 2013, *Dennings* Plaintiffs filed a motion for summary affirmance of  
17 the district court's order awarding attorneys' fees and expenses;
  - 18 • On September 9, 2013, the Ninth Circuit granted *Dennings* Plaintiffs' motion for  
19 summary affirmance;
  - 20 • On September 19, 2013, the *Dennings* parties and objectors filed a stipulation  
21 dismissing the appeal without award of costs;
  - 22 • On September 27, 2013, the Ninth Circuit issued an order that the parties should  
23 bear their own costs on appeal pursuant to their stipulation;
  - 24 • On October 2, 2013, the Ninth Circuit issued its mandate, making effective its  
25 September 9, 2013, order granting summary affirmance.
- 26  
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1 With the settlement approval process in *Dennings* now having reached its conclusion, the  
2 parties stipulate and jointly request that the Court dismiss this action with prejudice and without  
3 award of costs to either party.

4 Respectfully submitted this 6th day of December, 2013.

5 For Clearwire Corporation:

For Plaintiff:

6 DAVIS WRIGHT TREMAINE LLP

AUDET & PARTNERS, LLP

7  
8 By: /s/ Kenneth E. Payson  
9 Kenneth E. Payson (*admitted*  
*pro hac vice*)

By: /s/ Jonas Mann (authorized on 12/6/13)  
Jonas Mann

10 Attorneys for Defendant  
11 CLEARWIRE CORPORATION


Of Attorneys for Plaintiff  
SHARON NEWTON

12  
13 **ORDER**

14 IT IS SO ORDERED.

15 This action is hereby DISMISSED with prejudice and without award of costs to either  
16 party.

17 Dated: December 18, 2013

18   
19 WILLIAM B. SHUBB  
20 UNITED STATES DISTRICT JUDGE

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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:

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DATED this 6th day of December, 2013.

s/ Kenneth E. Payson

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