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 AT&T MOBILITY SERVICES LLC

13 **[Counsel for Plaintiff listed on following page]**

14
 15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA

18 PHILLIP SIMS, individually and on
 19 behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22 AT&T MOBILITY SERVICES LLC, a
 23 Delaware limited liability company;
 24 and DOES 1 through 10, inclusive,

25 Defendants.

CASE NO. 2:12-cv-2702-JAM-AC

**STIPULATION TO CONTINUE
 HEARING AND BRIEFING
 SCHEDULE ON PLAINTIFF'S
 MOTION FOR CLASS
 CERTIFICATION**

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13 Attorneys for Plaintiff
14 PHILLIP SIMS

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1 **STIPULATION**

2 Plaintiff Phillip Sims (“Plaintiff”) and Defendant AT&T Mobility
3 Services LLC (“AT&T,” or the “Company”), through their respective counsel,
4 hereby stipulate and request as follows:

5 WHEREAS, on April 2, 2014, the Court issued a minute order:
6 (1) setting Plaintiff’s contemplated motion for class certification (the “Motion”) for
7 hearing on October 15, 2014; (2) directing Plaintiff to file his Motion no later than
8 September 17, 2014; (3) ordering the parties to file their opposition and reply briefs
9 “in accord with Local Rule 230”; and (4) directing the parties to file an updated
10 joint status report “[w]ithin 30 days of the Court[’]s ruling on the motion for class
11 certification.”

12 WHEREAS, based on the parties’ stipulation, the Court has since
13 continued the hearing on Plaintiff’s Motion to December 17, 2014, and continued
14 Plaintiff’s deadline to file his Motion, to November 19, 2014.

15 WHEREAS, settlement discussions are ongoing, and the parties
16 require additional time to explore a potential resolution of this matter.

17 WHEREAS, the parties agree that an extension of the class
18 certification deadlines, by approximately 60 days, will not prejudice either of the
19 parties.

20 WHEREAS, the parties expect they will know by January 2015
21 whether or not this dispute will be settled, and thus do not anticipate any further
22 requests for a continuance of the class certification deadlines.

23
24 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND
25 REQUEST as follows:

26 1. That the Court continue the hearing on Plaintiff’s Motion, from
27 December 17, 2014 to February 17, 2015, or some date thereafter that is convenient
28 for the Court;

1 2. That the Court continue Plaintiff’s deadline to file his Motion,
2 from November 19, 2014 to a date that is approximately 28 days prior to the new
3 hearing date; and

4 3. That the Court direct the parties to file their opposition and reply
5 briefs “in accord with Local Rule 230,” and to file an updated joint status report
6 “[w]ithin 30 days of the Court[’]s ruling on the motion for class certification,” as
7 the Court previously directed in its April 2, 2014 order.

8

9 **IT IS SO STIPULATED.**

10

11 DATED: November , 2014 PAUL HASTINGS LLP
12 GEORGE W. ABELE
13 CAMERON W. FOX
14 HALEY M. MORRISON
15 MARIO C. ORTEGA

14

15 By:_____ **MARIO C. ORTEGA**

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17 Attorneys for Defendant
18 AT&T MOBILITY SERVICES LLC

17

18 DATED: November , 2014 LAW OFFICES OF THOMAS W. FALVEY
19 ALEXANDER KRAKOW + GLICK LLP
20 WUCETICH & KOROVILAS LLP

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21 By:_____ **MICHAEL S. MORRISON**

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23 Attorneys for Plaintiff
24 PHILLIP SIMS

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIP SIMS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

AT&T MOBILITY SERVICES LLC, a
Delaware limited liability company;
and DOES 1 through 10, inclusive,

Defendants.

CASE NO. 2:12-cv-2702-JAM-AC

**ORDER CONTINUING HEARING
AND BRIEFING SCHEDULE ON
PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION**

1 **ORDER**

2
3 On the parties’ Stipulation, and good cause appearing therefor, IT IS
4 HEREBY ORDERED that:

5 1. The hearing on Plaintiff’s motion for class certification (the “Motion”)
6 is hereby continued from December 17, 2014 to February 25, 2015, at 9:30 a.m.;

7 2. Plaintiff’s deadline to file his Motion is hereby continued from
8 November 19, 2014 to January 28, 2015;

9 3. Defendant AT&T Mobility Services LLC shall file its opposition to
10 Plaintiff’s Motion, and Plaintiff shall file his reply in support of the Motion,
11 according to Rule 230 of this Court’s Local Rules; and

12 4. The parties shall file an updated joint status report within 30 days of
13 the Court’s ruling on Plaintiff’s Motion.

14 **IT IS SO ORDERED.**

15
16 DATED: November 12, 2014

16 /s/ John A. Mendez
17 HON. JOHN A. MENDEZ
18 United States District Court Judge

19 Submitted by:

20 PAUL HASTINGS LLP
21 GEORGE W. ABELE
22 CAMERON W. FOX
23 HALEY M. MORRISON
24 MARIO C. ORTEGA

24 By: /s/ Mario C. Ortega
25 MARIO C. ORTEGA