| Thomas v. Sprint | Nextel Corporation et al | | | | | |
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| 10 | [Additional counsel listed on signature page] | | | | | |
| 11 | UNITED STATES DISTRICT COURT | | | | | |
| 12 | NORTHERN DISTRICT OF CALIFORNIA | | | | | |
| 13 | SAN FRANCISCO DIVISION | | | | | |
| 14 | RUDOLPH THOMAS, Individually and on behalf of all others similarly situated, |) No. 08-cv-05119 TEH | | | | |
| 15 | · |) STIPULATION RE FILING OF FIRST | | | | |
| 16 | Plaintiff, |) AMENDED CLASS ACTION) COMPLAINT FOR DAMAGES AND | | | | |
| 17 | V. |) INJUNCTIVE RELIEF | | | | |
| 18 | SPRINT SOLUTIONS, INC. dba SPRINT, SPRINT PCS and/or NEXTEL, |) | | | | |
| 19 | Defendant. |) ACTION FILED: April 4, 2007 | | | | |
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| 1 | WHEREAS Plaintiff filed the complaint in this action on November 10, 2008; |
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| 2 | WHEREAS on January 14, 2009, Defendant answered the complaint; |
| 3 | WHEREAS on July 28, 2009, Defendant moved to stay this case, which Plaintiff opposed; |
| 4 | WHEREAS on September 2, 2009, this Court issued an Order Granting in Part and |
| 5 | Denying in Part Motion to Stay Case; |
| 6 | WHEREAS on January 15, 2010, Plaintiff provided Defendant with a proposed First |
| 7 | Amended Class Action Complaint for Damages and Injunctive Relief; |
| 8 | WHEREAS in the interests of efficiency and pursuant to Federal Rule of Civil Procedure |
| 9 | 15(a)(2), Defendant hereby stipulates to the filing of the First Amended Class Action Complaint |
| 10 | for Damages and Injunctive Relief, but reserves all rights to raise any defenses to this pleading via |
| 11 | motion to dismiss or otherwise; |
| 12 | NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the |
| 13 | undersigned counsel for Plaintiff and counsel for Defendant that: |
| 14 | 1. Concurrently with the filing of this stipulation, Plaintiff will file with the Court the |
| 15 | First Amended Class Action Complaint for Damages and Injunctive Relief; |
| 16 | 2. The First Amended Class Action Complaint for Damages and Injunctive Relief is |
| 17 | stayed pursuant to the Court's September 2, 2009 Order, except to the extent it is based on |
| 18 | allegations that Sprint, unfairly, deceptively or unlawfully failed to disclose the late fees or |
| 19 | impairment fees charged to customers. This stipulation is without prejudice to each party's right to |
| 20 | present argument to the Court regarding the precise scope of the stay as it relates to new or |
| 21 | amended allegations in the First Amended Complaint. |
| 22 | 3. The deadline for Defendant to move to dismiss or otherwise respond to the First |
| 23 | Amended Class Action Complaint for Damages and Injunctive Relief will be Monday, March 1, |
| 24 | 2010; and |
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| 1 | 4. If Defendant moves to dism | iss the First Amended Class Action Complaint for | | | |
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| 2 | Damages and Injunctive Relief, it shall notice the hearing date for such a motion on or before | | | | |
| 3 | Monday, April 5, 2010. | | | | |
| 4 | DATED this 27th day of January, 2010. | | | | |
| 5 | | HAGENS BERMAN SOBOL SHAPIRO LLP | | | |
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| 7 | | By/s/ Jeff D. Friedman JEFF D. FRIEDMAN | | | |
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| 21 | | , and the second | | | |
| 22 | | Attorneys for Plaintiff and all others similarly situated | | | |
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| SHEPPARD MULLIN, | RICHTER | & HAMPT | 'ON |
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By <u>/s/ Fred R. Puglisi</u> FRED R. PUGLISI

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Attorneys for Defendant SPRINT SOLUTIONS, INC.

I, Jeff D. Friedman, am the ECF User whose ID and password are being used to file this STIPULATION RE FILING OF FIRST AMENDED CLASS ACTION COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF. In compliance with General Order 45, X.B., I hereby attest that Fred R. Puglisi has concurred in this filing.

