

1 Jeff D. Friedman (173886)  
 Shana E. Scarlett (217895)  
 2 HAGENS BERMAN SOBOL SHAPIRO LLP  
 715 Hearst Avenue, Suite 202  
 3 Berkeley, California 94710  
 Telephone: (510) 725-3000  
 4 Facsimile: (510) 725-3001  
 jefff@hbsslaw.com  
 5 shanas@hbsslaw.com

6 Steve W. Berman (*Pro Hac Vice*)  
 Hagens Berman Sobol Shapiro LLP  
 7 1981 8th Avenue, Suite 3300  
 Seattle, Washington 98101  
 8 Telephone: (206) 623-7292  
 Facsimile: (206) 623-0594  
 9 steve@hbsslaw.com

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	)	No. 08-cv-05119 TEH
behalf of all others similarly situated,	)	
	)	STIPULATION RE FILING OF FIRST
	)	AMENDED CLASS ACTION
Plaintiff,	)	COMPLAINT FOR DAMAGES AND
	)	INJUNCTIVE RELIEF
v.	)	
	)	
SPRINT SOLUTIONS, INC. dba SPRINT,	)	
SPRINT PCS and/or NEXTEL,	)	
	)	
Defendant.	)	ACTION FILED: April 4, 2007
	)	
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	)	

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1           WHEREAS Plaintiff filed the complaint in this action on November 10, 2008;  
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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