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13 Attorneys for Defendant,
 SPRINT SOLUTIONS, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 RUDOLPH THOMAS, Individually
 17 and on behalf of all others similarly
 18 situated,,
 19

Plaintiff,

v.

20 SPRINT SOLUTIONS, INC., d/b/a
 21 SPRINT, SPRINT PCS and/or
 22 NEXTEL,
 23

Defendants.

Case No. CV 08 5119 TEH

**STIPULATION & ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

Dept: 12
 Judge: Hon. Thelton Henderson

[Complaint Filed: November 10, 2008]

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1 **STIPULATION**

2 WHEREAS, on June 9, 2010, the Court entered an order scheduling a case
3 management conference on October 4, 2010 for control purposes, and ordered the
4 parties to advise the Court in a stipulated request to continue the case management
5 conference for not more than 120 days if the FCC matter has yet to be resolved by
6 that date;

7
8 WHEREAS, on September 28, 2010, the Court entered an order continuing
9 the case management conference to January 31, 2011 at 1:30 p.m. and ordered that
10 the parties file a joint case management conference statement on or before
11 January 24, 2011;

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13 WHEREAS, on January 25, 2011, the Court entered an order continuing the
14 case management conference to April 25, 2011 at 1:30 p.m. and ordered that the
15 parties file a joint case management conference statement on or before April 18,
16 2011;

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18 WHEREAS, on April 19, 2011, the Court entered an order continuing the
19 case management conference to June 20, 2011 at 1:00 a.m. and ordered that the
20 parties file a joint case management conference statement on or before June 13,
21 2011;

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23 WHEREAS, the FCC matter has not yet been resolved as of the date of filing
24 of this Stipulation;

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26 The parties STIPULATE that the case management conference shall be
27 continued to August 22, 2011 at 1:30 p.m., or any date thereafter convenient for the
28 Court's calendar, unless the FCC resolves the matter prior to that date, in which case

1 the parties will contact the Court within two weeks of the FCC's ruling and request
2 a case management conference with this Court within the earliest reasonable time
3 frame.
4

5 If and when Plaintiffs move to lift the stay in this matter, Sprint Solutions
6 will move to extend the stay and request that the Court refer Plaintiffs' claims to
7 arbitration in accordance with the provisions of Plaintiffs' contracts with Sprint
8 Solutions and the very recently decided case of *AT&T Mobility, LLC v. Concepcion*,
9 ___ U.S. ___, 131 S.Ct. 1740 (2011). Sprint Solutions understands that Plaintiffs will
10 oppose such a motion.
11

12 Dated: June 13, 2011

13 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

14
15 By _____ /s Fred R. Puglisi

16
17 FRED R. PUGLISI
18 Attorneys for Defendant
19 SPRINT SOLUTIONS, INC.
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21 Dated: June 13, 2011

22 Meade & Schrag LLP

23
24 By _____ /s Michael Schrag

25 Attorneys for Plaintiffs
26 RUDOLPH THOMAS and ASHLEE SMITH
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~~PROPOSED~~ ORDER

The Case Management Conference currently set for June 20, 2011 is continued to August 22, 2011 at 1:30 p.m.;

The parties shall meet and confer and file a joint case management conference statement on or before August 8, 2011.

IT IS SO ORDERED.

Dated: June 13, 2011

