

1 CHRISTOPHER B. HOCKETT (Bar No. 121539)
 NEAL A. POTISCHMAN (Bar No. 254862)
 2 SANDRA WEST (Bar No. 250389)
 DAVIS POLK & WARDWELL
 3 1600 El Camino Real
 Menlo Park, California 94025
 4 Telephone: (650) 752-2000
 Facsimile: (650) 752-2111
 5 chris.hockett@dpw.com

6 Attorneys for Defendant
 T-MOBILE USA, INC.
 7

8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 MILTON CARDOZA, on Behalf of Himself)	Case No.: CV08-5120 SC
and Others Similarly Situated,)	
12)	STIPULATION AND [PROPOSED]
Plaintiffs,)	ORDER EXTENDING TIME TO
13)	RESPOND TO COMPLAINT
v.)	
14)	
T-MOBILE USA, INC.,)	
15)	
Defendant.)	
16)	

17

18 WHEREAS, Plaintiff filed his complaint in the above-titled action on November 10, 2008;
 19 WHEREAS, Plaintiff served Defendant T-Mobile USA, Inc. ("T-Mobile") with the
 20 complaint on December 2, 2008;

21 WHEREAS, T-Mobile originally had until December 22, 2008 to respond to the complaint;
 22 WHEREAS, on December 19, 2008, the parties stipulated that the time to respond to the
 23 complaint would be extended to January 16, 2009;

24 WHEREAS, T-Mobile intends to file, on or before January 16, 2009, a motion to transfer to
 25 the Western District of Washington or, in the alternative, to dismiss or stay the instant action on the
 26 same grounds (the "Motion to Transfer");
 27
 28

1 WHEREAS, the parties have agreed that T-Mobile's time to answer, move to dismiss under
2 Federal Rule of Civil Procedure 12, or otherwise respond to the complaint should be extended until
3 the Court has ruled on the Motion to Transfer; and

4 WHEREAS, the requested extension will not alter the date of any event or deadline already
5 fixed by Court order;

6 IT IS HEREBY STIPULATED AND AGREED among the parties, through their respective
7 counsel of record, pursuant to Civil Local Rule 6-1(a), to an extension of time for T-Mobile to
8 answer, move to dismiss under Rule 12, or otherwise respond to the complaint filed in this matter
9 until 30 days after the Court has ruled on T-Mobile's Motion to Transfer.

10
11 Dated: January 14, 2009

DAVIS POLK & WARDWELL

12
13 By: /s/ Christopher B. Hockett
14 Christopher B. Hockett

15 Attorneys for Defendant T-Mobile

16
17 Dated: January 14, 2009

LAW OFFICE OF PETER FREDMAN

18
19 By: /s/ Peter B. Fredman
20 Peter B. Fredman

21 Attorneys for Plaintiff

22
23 * * *

24 IT IS SO ORDERED.

25 Dated January 15, 2009

