

1 H. NELSON MEEKS (State Bar No. 175800)  
 LAW OFFICES OF H. NELSON MEEKS  
 2 870 Market Street, Suite 975  
 San Francisco, CA 94102  
 3 Telephone: (415) 989-9915  
 Facsimile: (415) 989-9914  
 4 Email: nelsonmEEKS@cs.com

5 Attorney for Plaintiff IRENA ROTBART

6 GAYLE M. ATHANACIO (State Bar No. 130068)  
 7 SONNENSCHN NATH & ROSENTHAL LLP  
 525 Market Street, 26th Floor  
 8 San Francisco, CA 94105  
 Telephone: (415) 882-5000  
 9 Facsimile: (415) 882-0300  
 Email: gathanacio@sonnenschN.com

10 Attorneys for Defendant T-MOBILE USA, INC.

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15  
 16 IRENA ROTBART,  
 17 Plaintiff,  
 18 vs.  
 19 T-MOBILE USA, INC. and DOES 1 - 50,  
 20 inclusive,  
 21 Defendants.

CASE No. 3:09-cv-01482-JL  
 STIPULATION AND [PROPOSED]  
 ORDER REGARDING AMOUNT IN  
 CONTROVERSY AND REMAND TO  
 STATE COURT

SONNENSCHN NATH & ROSENTHAL LLP  
 525 MARKET STREET, 26<sup>TH</sup> FLOOR  
 SAN FRANCISCO, CALIFORNIA 94105  
 (415) 882-5000

1 Plaintiff Irena Rotbart ("Rotbart"), for herself, and Defendant T-Mobile USA, Inc. ("T-  
2 Mobile"), by and through their respective counsel of record, hereby stipulate as follows and  
3 respectfully request that the Court approve and give effect to their stipulation:

4 1. The present action entitled, *Irena Rotbart vs. T-Mobile USA, Inc. and Does 1-50*,  
5 was initially filed in San Francisco Superior Court, Case No. CGC 09-484134. Defendant  
6 T-Mobile thereafter timely removed this case to the United States District Court for the Northern  
7 District of California Case No. 09-1482 (the "Action") based on diversity jurisdiction and  
8 Plaintiff Rotbart's claim that the amount in controversy exceeded \$75,000.

9 2. Plaintiff Rotbart now agrees that the total amount (including any damages, punitive  
10 damages, attorneys' fees, or other form of relief) that she can or will seek to recover in this  
11 Action, or in any other action, lawsuit or proceeding of any kind which is based upon or in any  
12 way related to any fact, transaction, claim or allegation contained in or related to the Action, is  
13 limited to no more than \$75,000.00, if any.

14 3. Rotbart expressly waives any right she may have to any relief in excess of  
15 \$75,000.00 which is based upon or in any way related to any fact, transaction, claim or  
16 allegation contained in or related to the Action. Rotbart intends that T-Mobile USA, Inc. shall  
17 rely upon this representation and waiver in agreeing to this stipulation.

18 4. This stipulation is binding upon Rotbart, as well as her attorneys, successors,  
19 assigns, heirs, legatees, devisees, estates, employees, servants, agents, partners, representatives,  
20 and all persons acting by, through, under or in concert with Rotbart or any of them.

21 5. In view of Rotbart's stipulation, the parties agree that this case may be remanded to  
22 the Superior Court of California for the County of San Francisco for further proceedings under  
23 Superior Court Case No. 09-484134. If this case is remanded, the parties agree that the hearing  
24 on the motion to dismiss and the case management conference set for September 30, 2009  
25 should be vacated. The parties further agree that Defendant T-Mobile shall have 30 days after  
26 the remand is effected and the Superior Court notifies the parties it has assumed jurisdiction over  
27 this matter to respond to Plaintiff's complaint.

28 6. Signatures by facsimile or e-mail pdf shall be considered as originals.

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7. The parties agree to bear their own attorneys' fees and costs associated with this Action, including its removal and remand.

IT IS SO STIPULATED.

Dated: July 31, 2009

By Irena Rotbart  
IRENA ROTBART

Dated: ~~July~~ Aug 10, 2009

LAW OFFICES OF H. NELSON MEEKS

By [Signature]  
H. NELSON MEEKS

Attorneys for Plaintiff  
IRENA ROTBART

Dated: ~~July~~ Aug 25, 2009

SONNENSCHN NATH & ROSENTHAL LLP

By Gayle M. Athanacio  
GAYLE M. ATHANACIO

Attorneys for Defendant  
T-MOBILE USA, INC.

SONNENSCHN NATH & ROSENTHAL LLP  
525 MARKET STREET, 26<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94105  
(415) 882-5000

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