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*Pacific Bell Telephone Company,*  
*AT&T Services, Inc., and*  
*AT&T Operations, Inc.*

17 **UNITED STATES DISTRICT COURT**  
 18 **NORTHERN DISTRICT OF CALIFORNIA**  
 19 **SAN FRANCISCO DIVISION**

19 JOY NWABUEZE, individually and on  
 20 behalf of a class of similarly situated  
 individuals,

21 Plaintiff,

22 vs.

23 AT&T INC., a Delaware corporation;  
 24 PACIFIC BELL TELEPHONE  
 COMPANY d/b/a AT&T CALIFORNIA, a  
 25 California corporation; AT&T SERVICES,  
 INC., a Delaware corporation; AT&T  
 OPERATIONS, INC., a Delaware  
 26 corporation; and DOES 1 through 21,

27 Defendants.  
 28

Case No. CV 09-1529 SI

**STIPULATION OF DISMISSAL OF AT&T**  
**INC. [F.R.C.P. Rule 41(a)(1)(A)(ii)]**

Courtroom: 10  
 Judge: Hon. Susan Illston

First Amended Class Action Complaint  
 Filed: August 13, 2009

1 Plaintiff Joy Nwabueze, by and through her counsel, and Defendants Pacific Bell  
2 Telephone Company, AT&T Services, Inc., AT&T Operations, Inc., and AT&T Inc.  
3 (“Defendants”), by and through their counsel, hereby stipulate and agree to the following:

4 1. Counsel for Defendants has requested that named defendant AT&T Inc. be  
5 dismissed without prejudice from the complaint based upon representations made in a motion to  
6 dismiss previously filed by AT&T Inc.

7 2. Defendant AT&T Inc. agrees that it will respond to Plaintiff’s First Request for  
8 Production of Documents as if it was still a defendant in this case and will comply with any  
9 orders entered by the Court regarding those requests as if it was still a defendant in this case,  
10 provided, however, that Defendant AT&T shall not be required to respond to Request No. 65  
11 except as set forth in Paragraph 6, below.

12 3. Defendants, including AT&T Inc., agree that if AT&T Inc. is dismissed pursuant  
13 to the terms of this stipulation, they will not withhold any discovery on the grounds that AT&T  
14 Inc. is no longer a named defendant in the case, and will not use the fact that AT&T Inc. is not a  
15 defendant as a basis for opposing discovery.

16 4. Defendants agree that the statute of limitations shall be tolled for AT&T Inc., as of  
17 the date of Plaintiff’s filing of her original complaint, as to the transactions and events at issue in  
18 the complaint. Defendants further agree that Plaintiff may, in her discretion, re-name Defendant  
19 AT&T Inc. in this litigation without the necessity for a formal noticed motion.

20 5. Both sides agree that, while they disagree as to the question of this Court’s  
21 jurisdiction over AT&T, Inc., it is not a prudent expenditure of the parties’ and the Court’s  
22 resources to deal with that issue at this juncture of the litigation and thus have agreed to the  
23 stipulation set forth herein.

24 6. Based upon the agreements and representations set forth herein, Plaintiff hereby  
25 agrees to dismiss AT&T Inc. from this action without prejudice pursuant to Rule 41 (a)(1)(A)(ii).  
26 Plaintiff further agrees that she will not require Defendants, including AT&T Inc., to produce  
27 documents responsive to the personal jurisdiction document request, Request No. 65, in  
28 Plaintiff’s First Request for Production of Documents propounded upon each Defendant, unless

1 Plaintiff re-names AT&T Inc. as a defendant, as set forth above.

2 IT IS SO STIPULATED.

3 Dated: June 17, 2011.

4 PILLSBURY WINTHROP SHAW PITTMAN LLP  
5 ROXANE A. POLIDORA  
6 CONNIE J. WOLFE

7 By /s/ Roxane A. Polidora  
8 Roxane A. Polidora  
9 Attorneys for Defendants  
10 Pacific Bell Telephone Company, AT&T Services,  
11 Inc.; AT&T Operations, Inc. and AT&T Inc.



12 Dated: June 17, 2011

13 KELLER GROVER, LLP  
14 JEFFREY F. KELLER

15 JACOBS KOLTON, CHTD.  
16 JOHN G. JACOBS  
17 BRYAN G. KOLTON

18 DAVID SCHACHMAN & ASSOC., PC  
19 DAVID SCHACHMAN

20 By /s/ John G. Jacobs  
21 John G. Jacobs  
22 Attorneys for Plaintiff  
23 Joy Nwabueze and the Putative Class

24 **ATTESTATION OF SIGNATURE**  
25 **(N.D. Cal. General Order 45)**


26 I, Roxane A. Polidora, hereby attest that concurrence in the filing of the following  
27 document: **STIPULATION OF DISMISSAL OF AT&T INC. [F.R.C.P. Rule 41(a)(1)(A)(ii)]**  
28 has been obtained from all of the signatories.

Dated: June 17, 2011 /s/ Roxane A. Polidora

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2011, a true and correct copy of **STIPULATION OF DISMISSAL OF AT&T INC. [F.R.C.P. Rule 41(a)(1)(A)(ii)]** was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants in this case.

  
\_\_\_\_\_  
Rosita Fe J. Quimpó-Herbilla