

1 PILLSBURY WINTHROP
 SHAW PITTMAN LLP
 2 ROXANE A. POLIDORA #135972
roxane.polidora@pillsburylaw.com
 3 50 Fremont Street, Fifth Floor
 San Francisco, CA 94105
 4 Telephone: (415) 983-1000
 Facsimile: (415) 983-1200

5
 6 PILLSBURY WINTHROP
 SHAW PITTMAN LLP
 DOUGLAS R. TRIBBLE #116868
 7 CONNIE J. WOLFE #207661
douglas.tribble@pillsburylaw.com
 8 connie.wolfe@pillsburylaw.com
 501 West Broadway, Suite 1100
 9 San Diego, CA 92126-3575
 Telephone: (619) 234-5000
 10 Facsimile: (619) 236-1995

11 Attorneys for Defendants
 PACIFIC BELL TELEPHONE COMPANY,
 12 AT&T SERVICES, INC., AT&T
 OPERATIONS, INC.,
 13 and AT&T INC.

KELLER GROVER, LLP
 JEFFREY F. KELLER #148005
jfkeller@kellergrover.com
 425 Second Avenue, Suit 500
 San Francisco, CA 94107
 Telephone: (415) 543-1305
 Facsimile: (415) 543-7861

THE JACOBS LAW FIRM, CHTD.
 JOHN G. JACOBS (Pro Hac Vice)
 BRYAN G. KOLTON (Pro Hac Vice)
jjjacobs@thejacobsfirm.com
bgkolton@thejacobsfirm.com
 122 South Michigan Avenue, Suite 1850
 Chicago, IL 60603
 Telephone: (312) 427-4000
 Facsimile: (312) 427-1850

DAVID SCHACHMAN & ASSOC., PC
 DAVID SCHACHMAN (Pro Hac Vice)
ds@schachmanlaw.com
 122 South Michigan Avenue, Suite 1850
 Chicago, IL 60603
 Telephone: (312) 427-4500
 Facsimile: (312) 427-1850

Attorneys for Plaintiff JOY NWABUEZE
 and the Putative Class

14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION
 18

19 _____)
 JOY NWABUEZE, individually and on)
 20 behalf of all others similarly situated,)

21 Plaintiff,)

22 vs.)

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

27 Defendants.)
 28 _____)

Case No. CV 09-01529 SI

STIPULATED REQUEST AND
[PROPOSED] ORDER TO
MODIFY HEARING DATES AND
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE
SCHEDULED FOR
NOVEMBER 20, 2009 (Local
Rule 6-2)

Judge: Hon. Susan Illston

Complaint: April 7, 2009
 First Amended Complaint: Aug. 13, 2009

1 WHEREAS, Plaintiff Joy Nwabueze (“Plaintiff”) caused the Summons and
2 Complaint in this action to be served on Defendant Pacific Bell Telephone Company on
3 April 29, 2009, and Defendant AT&T Inc. on April 30, 2009;

4 WHEREAS, Defendants’ response to the Complaint was initially due within twenty
5 days after service of the Summons, or on May 19, 2009 for Pacific Bell Telephone
6 Company and May 20, 2009 for AT&T Inc.;

7 WHEREAS, Defendants Pacific Bell Telephone Company and AT&T Inc.
8 previously requested four extensions of time to respond to the Complaint, and Plaintiff
9 stipulated to those requests;

10 WHEREAS, Plaintiff filed a First Amended Complaint on August 13, 2009, which
11 added new claims and named two new Defendants, AT&T Services, Inc. and AT&T
12 Operations, Inc., in addition to Defendants Pacific Bell Telephone Company and AT&T
13 Inc.;

14 WHEREAS, following the filing of the First Amended Complaint, Defendants
15 requested an extension of time until September 18, 2009 to respond to the First Amended
16 Complaint, and Plaintiff stipulated to that request;

17 WHEREAS, on September 18, 2009 Defendants Pacific Bell Telephone Company,
18 AT&T Services, Inc., and AT&T Operations, Inc. responded to the First Amended
19 Complaint by filing a Motion To Dismiss Plaintiff’s First Amended Complaint pursuant to
20 Federal Rule of Civil Procedure 12(b)(6) (Dkt. 44) (the “12(b)(6) Motion”);

21 WHEREAS, on September 18, 2009, Defendant AT&T Inc. responded to the First
22 Amended Complaint by filing a Motion To Dismiss Plaintiff’s Complaint for Lack of
23 Personal Jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2), Or, in the
24 Alternative, To Join the Motion To Dismiss of Defendants Pacific Bell Telephone
25 Company, AT&T Services, Inc., and AT&T Operations, Inc. pursuant to Federal Rule of
26 Civil Procedure 12(b)(6) (Dkt. 48) (the “12(b)(2) Motion”);

27 WHEREAS, the hearing on Defendants’ motions to dismiss the First Amended
28 Complaint is currently set for October 30, 2009, at 9:00 a.m.;

1 WHEREAS, the initial case management conference in this case is currently set for
2 November 20, 2009, at 2:30 p.m.;

3 WHEREAS, in order to permit plaintiff's counsel adequate time to address the
4 issues raised in the 12(b)(6) Motion, Defendants have agreed to stipulate to Plaintiff's
5 request for an extension of time to oppose Defendants' motions to dismiss the First
6 Amended Complaint, subject to the Court's approval of a modified briefing and hearing
7 schedule set forth below;

8 WHEREAS, given that Defendants' 12(b)(6) Motion could result in dismissal of the
9 case in its entirety, the parties have further agreed that, subject to the Court's approval,
10 postponement of further briefing and continuing the hearing on Defendant AT&T Inc.'s
11 12(b)(2) Motion to a date following this Court's decision on Defendants' 12(b)(6) Motion
12 would avoid potentially unnecessary proceedings, and allow the Court time to consider this
13 case in a more efficient and informed manner;

14 WHEREAS, given that Defendants' 12(b)(6) Motion could result in dismissal of the
15 case in its entirety, the parties have agreed that, subject to the Court's approval, continuance
16 of the initial case management conference until after the Court rules on both of Defendants'
17 motions to dismiss the First Amended Complaint would allow the parties to comply with
18 their obligations under Rule 26, Civil L.R. 16, and ADR L.R. 3, and the Court to consider
19 this case, in a more efficient and informed manner;

20 NOW THEREFORE, Plaintiff and Defendants through their counsel of record
21 stipulate to the following:

22 IT IS HEREBY STIPULATED that, subject to the Court's approval, the schedule
23 for this case should be modified as follows:

- 24 1. Defendants' 12(b)(6) Motion.
- 25 a. Plaintiff shall file and serve any opposition to Defendants' 12(b)(6)
26 Motion on or before October 19, 2009;
- 27 b. Defendants Pacific Bell Telephone Company, AT&T Services, Inc.,
28 and AT&T Operations, Inc. shall file and serve any reply

- 1 memorandum in support of the 12(b)(6) Motion on or before
2 November 6, 2009; and
3 c. the hearing on Defendants' 12(b)(6) Motion, which is currently
4 scheduled for October 30, 2009, at 9:00 a.m., shall be continued to
5 November 20, 2009, at 9:00 a.m.;
- 6 2. AT&T Inc.'s 12(b)(2) Motion. Further briefing and a hearing on Defendant
7 AT&T Inc.'s 12(b)(2) Motion should be postponed until after the Court rules
8 on Defendants' 12(b)(6) Motion;
- 9 3. Case Management Conference. The initial case management conference
10 scheduled for November 20, 2009 at 2:30 p.m., should be continued until
11 after the Court has ruled on Defendants' motions to dismiss the First
12 Amended Complaint.

13 Dated: October 5, 2009.

14 PILLSBURY WINTHROP SHAW PITTMAN LLP
15 ROXANE A. POLIDORA
16 DOUGLAS R. TRIBBLE
17 CONNIE J. WOLFE

18 By /s/ Roxane A. Polidora
19 Roxane A. Polidora
20 Attorneys for Defendants
21 PACIFIC BELL TELEPHONE
22 COMPANY, AT&T SERVICES, INC.,
23 AT&T OPERATIONS, INC.,
24 and AT&T INC.
25
26
27
28

1 Dated: October 5, 2009

2 KELLER GROVER, LLP
JEFFREY F. KELLER

3 THE JACOBS LAW FIRM, CHTD.
4 JOHN G. JACOBS
BRYAN G. KOLTON

5 DAVID SCHACHMAN & ASSOC., PC
6 DAVID SCHACHMAN

7
8 By /s/ John G. Jacobs
John G. Jacobs
9 Attorneys for Plaintiff JOY NWABUEZE
and the Putative Class

10

11 **ATTESTATION OF SIGNATURE**
12 **(N.D. Cal. General Order 45)**

13 I, Roxane A. Polidora, hereby attest that concurrence in the filing of the following
14 document: **STIPULATED REQUEST AND [PROPOSED] ORDER TO MODIFY**
15 **HEARING DATES AND CONTINUE INITIAL CASE MANAGEMENT**
16 **CONFERENCE SCHEDULED FOR NOVEMBER 20, 2009 (Local Rule 6-2)** has been
17 obtained from all of the signatories.

18 Dated: October 5, 2009 /s/ Roxane A. Polidora

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Plaintiff shall file and serve her opposition to Defendants' 12(b)(6) Motion on or before October 19, 2009; Defendants Pacific Bell Telephone Company, AT&T Services, Inc., and AT&T Operations, Inc. shall file and serve their reply memorandum in support of the 12(b)(6) Motion on or before November 6, 2009, at 9:00 a.m.; and the hearing on Defendants' 12(b)(6) Motion, which is currently scheduled for October 30, 2009, at 9:00 a.m., shall be continued to November 20, 2009. Further briefing and the hearing on Defendant AT&T Inc.'s 12(b)(2) Motion To Dismiss Plaintiff's First Amended Complaint shall be postponed until after the Court rules on Defendants' 12(b)(6) Motion To Dismiss Plaintiff's First Amended Complaint. The initial case management conference scheduled for November 20, 2009, at 2:30 p.m., is continued until after the Court rules on Defendants' motions to dismiss the First Amended Complaint.

Dated: _____




SUSAN Y. ILLSTON
United States District Judge

The case management conference is continued to 1/22/10 @ 2:30 p.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2009, a true and correct copy of **STIPULATED REQUEST AND [PROPOSED] ORDER TO MODIFY HEARING DATES AND CONTINUE INITIAL CASE MANAGEMENT CONFERENCE SCHEDULED FOR NOVEMBER 20, 2009 (Local Rule 6-2)** 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. Quimpo-Herbilla