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

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

16 _____)
 17 JOY NWABUEZE, individually and on behalf) Case No. CV 09-01529 SI
 of a class of similarly situated individuals,)
 18) STIPULATION AND REQUEST FOR
 Plaintiff,) ORDER REGARDING THE
 19) WITHDRAWAL OF DEFENDANTS'
 vs.) MOTION TO DISMISS AND
 20) CONTINUANCE OF THE FURTHER
 AT&T INC., a Delaware corporation;) CASE MANAGEMENT CONFERENCE
 21 PACIFIC BELL TELEPHONE COMPANY)
 d/b/a AT&T CALIFORNIA, a California) Courtroom: 10
 22 corporation; AT&T SERVICES, INC., a) Judge: Hon. Susan Illston
 Delaware corporation; AT&T OPERATIONS,)
 23 INC., a Delaware corporation; and DOES 1) First Amended Class Action Complaint
 through 21,) Filed: August 13, 2009
 24 Defendants.)
 25 _____)

26 WHEREAS, Defendants Pacific Bell Telephone Company, AT&T Services, Inc. and
 27 AT&T Operations (“Defendants”) have filed a motion to dismiss the action pursuant to Federal
 28 Rules of Civil Procedure, Rule 12(b)(6) and such motion has been heard;

1 WHEREAS, the Court has not yet ruled on Defendants' motion to dismiss;

2 WHEREAS, in order to accommodate counsels' requirement for additional time to pursue
3 an alternative resolution of the matter prior to the Court's issuance of an order on the motion, the
4 parties request that the Court allow Defendants to withdraw the current motion to dismiss without
5 prejudice to re-file said motion at a later date and with no further briefing or oral argument;

6 WHEREAS, a Further Case Management Conference is currently scheduled for Friday,
7 September 17, 2010 at 3:00 p.m. and, for the same reasons, the parties seek a 45 day continuation
8 of the conference to be scheduled at the Court's convenience.

9 NOW THEREFORE, it is hereby stipulated by and between the parties, through their
10 respective counsel, that the parties request an order from the Court: entering the withdrawal of
11 Defendants' Rule 12(b)(6) motion to dismiss without prejudice to re-file said motion and
12 rescheduling the Further Case Management Conference.

13 Dated: September 7, 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

Roxane A. Polidora
Attorneys for Defendants
PACIFIC BELL TELEPHONE COMPANY,
AT&T SERVICES, INC., and
AT&T OPERATIONS, INC

19
20
21 Dated: September 7, 2009.

22 KELLER GROVER, LLP
23 JEFFREY F. KELLER
24 JACOBS KOLTON, CHTD.
25 JOHN G. JACOBS
26 BRYAN G. KOLTON
27 DAVID SCHACHMAN & ASSOCIATES, P.C.
28 DAVID SCHACHMAN

By /s/ John G. Jacobs

John G. Jacobs
Attorneys for Plaintiff
JOY NWABUEZE

1 **ATTESTATION OF SIGNATURE**
2 **(N.D. Cal. General Order 45)**

3 I, Roxane A. Polidora, hereby attest that concurrence in the filing of the following
4 document: **STIPULATION AND REQUEST FOR ORDER REGARDING THE**
5 **WITHDRAWAL OF DEFENDANTS' MOTION TO DISMISS AND CONTINUANCE**
6 **OF THE FURTHER CASE MANAGEMENT CONFERENCE** has been obtained from
7 all of the signatories.

8 Dated: September 7, 2010 /s/ Roxane A. Polidora

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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 The motion of Defendants Pacific Bell Telephone Company, AT&T Services, Inc.
3 and AT&T Operations to dismiss this action pursuant to Federal Rules of Civil Procedure,
4 Rule 12(b)(6), filed on September 18, 2009 and heard on November 20, 2009, is hereby
5 withdrawn without prejudice to re-file said motion at a later date, without further briefing or
6 oral argument. In addition, the Court reschedules the Further Case Management Conference,
7 currently scheduled for Friday, September 17, 2010 at 3:00 p.m., to 12/16/10 @ 3 p.m.

8 _____ at _____.

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10 Date: _____



The Honorable Susan Illston
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2010, a true and correct copy of
**STIPULATION AND REQUEST FOR ORDER REGARDING THE WITHDRAWAL
OF DEFENDANTS' MOTION TO DISMISS AND CONTINUANCE OF THE
FURTHER CASE MANAGEMENT CONFERENCE** 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.



Karen J. Costa