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 11 (Additional counsel listed on signature page)

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA, *ex rel.*,
 JOHN C. PRATHER, *et al.*

16 Plaintiff-Relator

18 vs.

19 AT&T INC., CELLCO PARTNERSHIP
 20 d/b/a VERIZON COMMUNICATIONS,
 QWEST COMMUNICATIONS
 21 INTERNATIONAL, INC., SPRINT
 NEXTEL CORP., and TELEPHONE AND
 22 DATA SYSTEMS, INC.,

23 Defendants.

CASE NO. C 09-02457 CRB

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING AMENDMENT
 OF RELATOR'S COMPLAINT AND
 DEFENDANTS' RESPONSES TO THE
 AMENDED COMPLAINT**

1 Relator John C. Prather ("Relator") and Defendants AT&T Inc. ("AT&T"), Cellco
2 Partnership d/b/a Verizon Wireless ("Verizon"), Qwest Communications International
3 Inc. ("Qwest"), and Sprint Nextel Corporation ("Sprint"), (collectively, "Defendants"),
4 by and through their respective counsel and subject to the approval of the Court, hereby
5 stipulate as follows:

6 WHEREAS, the Defendants filed a joint motion to dismiss ("the Motion")
7 Relator's complaint ("the Complaint") based on Federal Rules of Civil Procedure 9(b),
8 12(b)(1), and 12(b)(6) on January 18, 2012 (Dkt. No. 63);

9 WHEREAS, at the hearing for the Motion on April 20, 2012, the Court granted the
10 Motion with leave to amend (Dkt. No. 80) and permitted discovery on issues raised in
11 the Motion concerning subject matter jurisdiction;

12 WHEREAS, Relator intends to file his amended complaint ("the Amended
13 Complaint") on or before July 18, 2012, a date to which Defendants have consented;

14 WHEREAS, the parties have agreed that Defendants have no duty to respond to
15 the Amended Complaint until the parties, subsequent to the filing of the Amended
16 Complaint, meet and confer over a response date and discovery schedule on the issue of
17 whether the Amended Complaint is barred for lack of subject matter jurisdiction, submit
18 a scheduling proposal to the Court, and a response date is entered;

19 WHEREAS, the parties have agreed that they will meet and confer over a
20 response date and discovery schedule by no later than August 1, 2012;

21 WHEREAS, the parties have agreed that they will submit a proposed scheduling
22 order setting forth Defendants' response date and a discovery schedule to the Court by
23 August 8, 2012;

24 NOW THEREFORE, IT IS HEREBY STIPULATED by the undersigned counsel on
25 behalf of the parties identified below that:

26 (1) Relator shall be entitled to file his Amended Complaint on or before July
27 18, 2012; and
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(2) Defendants shall not be obligated to respond to the Amended Complaint until the parties, subsequent to July 18, 2012, meet and confer over a response date and discovery schedule, submit a scheduling proposal to the Court, and a response date is entered; and

(3) The parties shall meet and confer regarding Defendants' response date and the discovery schedule by no later than August 1, 2012; and

(4) The parties shall submit a proposed scheduling order or, if they cannot agree, their respective positions regarding a response date and discovery schedule to the Court by August 8, 2012.

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DATED: May 23, 2012

BALESTRIERE FARIELLO

By: /s/ John G. Balestriere
John G. Balestriere
Attorneys for Relator John C. Prather

DATED: May 23, 2012

MUNGER, TOLLES & OLSON LLP

By: /s/ Jerome C. Roth
Jerome C. Roth
*Attorneys for Defendant
Cellco Communications d/b/a Verizon
Wireless*

DATED: May 23, 2012

PERKINS COIE LLP

By: /s/ David F. Taylor
David F. Taylor
*Attorneys for Defendants Sprint Nextel
Corporation and Qwest Communications
International Inc.*

DATED: May 23, 2012

SIDLEY AUSTIN LLP

By: /s/ Douglas A. Axel
Douglas A. Axel
Attorneys for Defendant AT&T Inc.

DATED: May 23, 2012

WILLIAMS & CONNOLLY LLP

By: /s/ Edward C. Barnidge
Edward C. Barnidge (*pro hac vice*)
*Attorneys for Defendant Sprint Nextel
Corporation*

ATTESTATION UNDER GENERAL ORDER 45, SECTION X.B.

I have the authorization of all counsel identified herein to submit this Stipulation
and [Proposed] Order.

/s/ John G. Balestriere

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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation set forth above, IT IS SO ORDERED.

DATED: May 25, 2012

