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9 Attorneys for Plaintiff KANDANCE CLARK,  
 Individually and on behalf of all others similarly situated  
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11 **UNITED STATES DISTRICT COURT**  
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 13

14 KANDANCE CLARK, individually and on  
 behalf of all others similarly situated,  
 15

16 Plaintiff,

17 vs.

18 SPRINT NEXTEL CORPORATION, a Kansas  
 corporation, and DOES 1-50, inclusive,  
 19

20 Defendants.

Case No. 10-cv-03625-SI

**STIPULATION AND [PROPOSED] ORDER  
 OF THE PARTIES TO FILE FIRST  
 AMENDED COMPLAINT**

**CLASS ACTION**

21 WHEREAS Plaintiff Kandance Clark, Defendant Sprint Nextel Corporation (hereby  
 22 specially appearing solely for the purpose of agreeing to the dismissal of this action against it, and  
 23 without a general appearance or concession to personal or subject matter jurisdiction over it in this  
 24 Court), current non-parties Sprint Spectrum L.P., and Sprint Solutions Inc. (hereby stipulating to the  
 25 matters set forth in, but without appearance in this action until and unless served with process as set  
 26 forth herein, and without waiver or concession of any rights, arguments or defenses available to  
 27 them, including, but not limited to transfer of this action on the bases of improper forum selection  
 28

1 and/or forum non-conveniens) (hereinafter collectively, the “Stipulating Entities”), have agreed that  
2 Plaintiff Clark may file a First Amended Complaint;

3 WHEREAS the Stipulating Entities have agreed that Defendant Sprint Nextel Corporation  
4 shall be dismissed from the action, and Sprint Spectrum L.P. and Sprint Solutions Inc. may be  
5 named as defendants in the First Amended Complaint;

6 WHEREAS the Stipulating Entities have agreed that in light of the pending amendment to  
7 the Complaint, Sprint Nextel Corporation need not file a response to the Complaint already on file in  
8 this matter; and

9 WHEREAS the Stipulating Entities have agreed that Plaintiff shall file any such First  
10 Amended Complaint on or before September 21, 2010, and Sprint Spectrum L.P. and Sprint  
11 Solutions Inc. shall have until October 12, 2010 to respond to any such First Amended Complaint.

12 **IT IS HEREBY STIPULATED AND AGREED**, consistent with and on condition of the  
13 foregoing, by and between the undersigned counsel for Plaintiff and Defendant, as follows:

14 1. Defendant Sprint Nextel Corporation shall not respond to the Complaint, Plaintiff  
15 shall dismiss Sprint Nextel Corporation, and Plaintiff may file a First Amended Complaint which  
16 names Sprint Solutions, Inc. and Sprint Spectrum, L.P.

17 2. Plaintiff Kandance Clark shall file any such First Amended Complaint on or before  
18 September 21, 2010; and

19 3. Sprint Spectrum L.P. and Sprint Solutions Inc. shall accept service of the summons of  
20 and any such First Amended Complaint via overnight delivery to McGuireWoods LLP, c/o A.  
21 Brooks Gresham; and

22 4. Sprint Spectrum L.P. and Sprint Solutions Inc. shall have until October 12, 2010 to  
23 respond to the First Amended Complaint.

24 This stipulation is without prejudice to any rights that any party may have.

25  
26 Respectfully submitted,



1 **FILER'S ATTESTATION**

2 Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that  
3 all parties have concurred in the filing of this Stipulation and [Proposed] Order Consolidating Cases  
4 for All Purposes.

5 Dated: September 14, 2010

6 Respectfully submitted,

7 NASSIRI & JUNG LLP

8 /s/ Kassra P. Nassiri  
9 Kassra P. Nassiri  
10 Attorneys for Plaintiff