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10 Attorneys for Defendant  
 11 AT&T Mobility LLC

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**  
 16

17 KIP NELSON, on behalf of himself  
 and all others similarly situated,  
 18  
 Plaintiff,  
 19  
 v.  
 20 AT&T Mobility LLC, a Delaware  
 corporation,  
 21  
 Defendant.  
 22

Case No. C10-4802-TEH

**STIPULATION FOR STAY OF  
 PROCEEDINGS PENDING THE U.S.  
 SUPREME COURT'S DECISION IN  
 AT&T MOBILITY LLC V.  
 CONCEPCION; ORDER THEREON**

Honorable Thelton E. Henderson

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1 Plaintiff Kip Nelson and Defendant AT&T Mobility LLC (“ATTM,” and  
2 collectively with Nelson, the “Parties”), by and through their respective counsel of  
3 record, stipulate to and hereby request a temporary stay of this action, as follows.

4 On December 22, 2010, this Court entered its “Scheduling Order Re:  
5 Defendant’s Motion To Compel Arbitration Or Stay Case” and ordered the Parties  
6 to meet and confer on whether the stay requested by ATTM is appropriate in light  
7 of the Supreme Court’s pending decision in *AT&T Mobility LLC v. Concepcion*,  
8 No. 09-893. If the Parties agreed to a stay, the Court ordered the Parties to file a  
9 stipulation and proposed order on or before January 10, 2011.

10 On January 4, 2011, the Parties met and conferred and agreed that a stay of  
11 this action pending the outcome of *Concepcion* is appropriate and will conserve the  
12 Court’s and the Parties’ resources. The Parties request that this Court issue an  
13 order providing that (1) this action is stayed pending the resolution of *Concepcion*  
14 in the United States Supreme Court, and (2) within 10 days of the issuance of the  
15 decision of the Supreme Court, the Parties shall file a joint status report that offers  
16 proposals on how the Court should proceed in light of the decision in *Concepcion*.  
17 The Parties agree that the stay should remain in effect until such time as it may be  
18 lifted by order of this Court.

19  
20 Dated: January 6, 2011

MAYER BROWN LLP

21  
22 By: /s/ John Nadolenco

John Nadolenco  
Steven E. Rich

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24 Attorneys for Defendant  
AT&T Mobility LLC

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Dated: January 6, 2011

GIRARD GIBBS LLP

By: /s/ David Stein  
Eric H. Gibbs  
A.J. De Bartolomeo  
David Stein  
Attorneys for Plaintiff  
Kip Nelson and the Putative Plaintiff Class

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that

- 1.) This action is STAYED pending resolution of *Concepcion* in the United States Supreme Court;
- 2.) The stay shall remain in effect until such time as it may be lifted by order of this Court; and
- 3.) The parties shall file a joint status report no later than 10 days following the issuance of the decision by the United States Supreme Court in *Concepcion*, that offers proposals on how this Court should proceed in light of the decision in *Concepcion*.

DATED: 01/06/2011



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed with the clerk of the court for the  
3 United States District Court, Northern District by using the CM/ECF system on  
4 January 6, 2011 the within document: **STIPULATION FOR STAY OF**  
5 **PROCEEDINGS PENDING THE U.S. SUPREME COURT'S DECISION IN**  
6 ***AT&T MOBILITY LLC V. CONCEPCION***

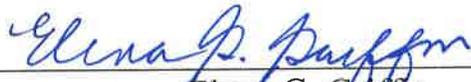
7 I further certify that I mailed the foregoing document via UPS overnight  
8 delivery to:

9 Eric H. Gibbs  
10 A.J. De Bartolomeo  
11 David Stein  
12 GIRARD GIBBS LLP  
13 601 California Street, Suite 1400  
14 San Francisco, CA 94108  
15 415.981.4800  
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18 *ds@girardgibbs.com*

19 I am readily familiar with the firm's practice of collection and processing  
20 correspondence for mailing. Under that practice the envelopes would be deposited  
21 with the UPS on that same day with postage thereon fully prepaid in the ordinary  
22 course of business. I am aware that on motion of the party served, service is  
23 presumed invalid if postal cancellation date or postage meter date is more than one  
24 day after date of deposit for mailing in affidavit.

25 I declare that I am employed in the office of a member of the bar of this  
26 court at whose direction the service was made. I declare under penalty of perjury  
27 under the laws of the state of California that the above is true and correct.

28 Executed on January 6, 2011, at Los Angeles, California.

  
\_\_\_\_\_  
Elena G. Griffin