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18 Attorneys for Defendant T-MOBILE USA, INC.

19
 20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

22 GENEVIEVE MEYER, an individual, on
 23 behalf of herself and all others similarly
 situated,
 24 Plaintiff,
 25 v.
 26 T-MOBILE USA, INC., a Delaware
 27 Corporation,
 28 Defendant.

) Case No. CV 10-05858 CRB
)
) **JOINT STATUS REPORT AFTER**
) **DECISION OF THE UNITED**
) **STATES SUPREME COURT IN**
) **AT&T MOBILITY LLC v. CONCEPCION**
) **AND [REDACTED] ORDER SETTING**
) **SCHEDULE FOR BRIEFING AND**
) **ARGUMENT ON MOTION TO**
) **COMPEL ARBITRATION**
)

1 **STATUS REPORT**

2 On February 22, 2011, the parties filed a stipulation requesting that this action be
 3 stayed until the United States Supreme Court issued its ruling in *AT&T Mobility LLC v.*
 4 *Concepcion* (Dkt. No. 8). The Court accepted the stipulation, stayed all proceedings in this
 5 case, and directed the parties to provide a status report within fourteen days of the Supreme
 6 Court's decision in *Concepcion*. The Supreme Court issued its decision in *Concepcion* on
 7 April 27, 2011, reversing the prior decision of the Ninth Circuit and holding that the rule
 8 announced in *Discover Bank v. Superior Court*, 36 Cal. 4th 148, 113 P. 3d 1100 (2005), is
 9 preempted under the Federal Arbitration Act, 9 U.S.C. § 2, *et seq.* *AT&T Mobility LLC v.*
 10 *Concepcion*, 2011 WL 1561956 (U.S. Apr. 27, 2011).

11 Counsel for the parties thereafter conferred. T-Mobile's counsel indicated that
 12 T-Mobile would move to compel arbitration of Plaintiff's claims on an individual basis in light
 13 of *Concepcion*. Plaintiff's counsel responded that Plaintiff would oppose a motion to compel
 14 arbitration. Plaintiff's counsel would like additional time to brief the issues raised by
 15 *Concepcion*.¹ The parties discussed and agreed upon the following schedule for briefing and
 16 argument on the motion to compel arbitration:

17 T-Mobile's motion to compel arbitration to be filed by June 1, 2011;

18 Plaintiff's opposition to the motion to be filed by July 1, 2011;

19 T-Mobile's reply to be filed by July 15, 2011; and

20 Hearing on the motion scheduled for July 29, 2011 or another date chosen by the Court.

21 The parties jointly request that the Court approve this schedule.

22 DATED: May 10, 2011

DAVIS WRIGHT TREMAINE LLP

23 *s/ James C. Grant*

24 James C. Grant

25 Attorneys for Defendant T-Mobile USA, Inc.

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 27
 28 ¹ Additionally, Plaintiff's counsel with primary responsibility for the briefing will be on a family vacation (planned six months ago) in June for two weeks.

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DATED: May 10, 2011

FINKELSTEIN THOMPSON LLP

s/ Mark Punzalan

Mark Punzalan

Attorneys for Plaintiff Genevieve Meyer

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~~PROPOSED~~ ORDER

Pursuant to the foregoing Joint Status Report and the parties' agreement, IT IS
HEREBY ORDERED that the schedule for briefing and argument on Defendant T-Mobile's
motion to compel arbitration shall be as follows:

T-Mobile's motion to compel arbitration will be filed by June 1, 2011;

Plaintiff's opposition to the motion will be filed by July 1, 2011;

T-Mobile's reply will be filed by July 15, 2011; and

Hearing on the motion will be scheduled for July 29, 2011.

IT IS SO ORDERED.

Dated: May 11, 2011

