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 Including Professional Corporations
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9 Attorneys for Defendants
 10 QWEST COMMUNICATIONS COMPANY, LLC;
 11 SPRINT COMMUNICATIONS COMPANY L.P.;
 12 LEVEL 3 COMMUNICATIONS, LLC; and
 13 WILTEL COMMUNICATIONS, LLC

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

16
 17 TODD SMITH, individually and as
 18 representative of a class of persons similarly
 situated,

19 Plaintiff,

20 v.

21 QWEST COMMUNICATIONS COMPANY,
 22 LLC; SPRINT COMMUNICATIONS
 COMPANY, L.P.; LEVEL 3
 23 COMMUNICATIONS, LLC; and WILTEL
 COMMUNICATIONS, LLC,

24 Defendants.
 25

Case No. CV-11-02599-TEH

**JOINT STATUS REPORT AND
~~PROPOSED~~ ORDER EXTENDING
 STAY OF ACTION AND CONTINUING
 CASE MANAGEMENT CONFERENCE**

Courtroom: 12
 Judge: Hon. Thelton E. Henderson

[Complaint Filed: May 31, 2011]

JOINT STATUS REPORT

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Plaintiff Todd Smith ("plaintiff"), and defendants Qwest Communications Company, LLC ("Qwest"), Sprint Communications Company L.P. ("Sprint"), Level 3 Communications, LLC ("Level 3"), and WilTel Communications, LLC ("WilTel") (collectively "defendants"), submit this Joint Status Report, pursuant to the Court's Order of October 11, 2011.

1. On October 11, 2011, the Court entered an Order staying the action, pending finalization of a settlement agreement, and setting the Initial Case Management Conference for January 30, 2012 at 1:30 p.m. (Doc. 11).

2. The Parties continue to expend all of their time and effort on settlement issues but are not yet ready to present a California Settlement Agreement for the Court's approval. Accordingly, the Parties are seeking a continuance of the stay of this litigation.

3. Therefore, to enable the Parties to continue focusing on settlement, plaintiff and defendants respectfully request that this Court enter an order: (1) extending the stay of this litigation pending further order of the Court, and providing that the stay will be lifted automatically upon motion of plaintiff or defendants or upon the filing of a motion for preliminary approval of a settlement agreement by plaintiff and defendants; and (2) continuing the January 30, 2012 case management conference for three months to April 30, 2012 at 1:30 p.m., or any date

1 thereafter convenient to the Court's calendar, with the parties to file a joint case management
2 conference statement no later than one week prior to the case management conference.

3
4 Dated: January 23, 2012

5 JEFFREY M. FORSTER

6
7 By _____ /s Jeffrey M. Forster
8 JEFFREY M. FORSTER

9 Attorneys for Plaintiff
10 TODD SMITH

11 Dated: January 23, 2012

12 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

13 By _____ /s Molly R. Newland
14 MOLLY R. NEWLAND

15 Attorneys for Defendants
16 QWEST COMMUNICATIONS COMPANY, LLC;
17 SPRINT COMMUNICATIONS COMPANY L.P.;
18 LEVEL 3 COMMUNICATIONS, LLC; and WITEL
19 COMMUNICATIONS, LLC

20 **PROPOSED ORDER**

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22 Based on the Joint Status Report of the parties, and for good cause shown due to
23 the parties' anticipated settlement, it is hereby ordered that:

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25 1. The stay of this action is extended, pending further order of the Court. The
26 stay will be lifted automatically upon the motion of plaintiff or defendants or upon the filing of a
27 motion for preliminary approval of a settlement agreement by plaintiff and defendants;

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2. The Initial Case Management Conference set for January 30, 2012 shall be continued to April 30, 2012, at 1:30 p.m., and the parties shall file a joint case management conference statement no later than one week prior the case management conference.

IT IS SO ORDERED.

Dated: 01/23/2012

