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 Attorneys for Plaintiff

19 **UNITED STATES DISTRICT COURT**
 20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

21 TODD SMITH, individually and as
 representative of a class of persons similarly
 22 situated,

Plaintiff,

23 v.

24 QWEST COMMUNICATIONS
 25 COMPANY, LLC; SPRINT
 COMMUNICATIONS COMPANY L.P.;
 26 LEVEL 3 COMMUNICATIONS, LLC; and
 27 WILTEL COMMUNICATIONS, LLC,
 Defendants.

CASE NO. 3:11-cv-02599-THE

STATUS REPORT, STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE,
AND EXTENDING STAY, BUT
ALLOWING THE FILING OF A FIRST
AMENDED CLASS ACTION COMPLAINT

CASE FILED: May 31, 2011
TRIAL DATE: None
JURY TRIAL DEMANDED

28 Case Number: 3:11-CV-02599-THE
 Status Report, Stipulation and [Proposed] Order to Continue Case Management Conference,
 and Extending Stay, but Allowing the Filing of a First Amended Complaint

1 Plaintiff Todd Smith (“Plaintiff”), and defendants Qwest Communications Company,
2 LLC (“Qwest”), Sprint Communications Company L.P. (“Sprint”), Level 3 Communications,
3 LLC (“Level 3”), and WilTel Communications, LLC (“WilTel”) (collectively “Defendants”)
4 submit this Status Report, Stipulation and Proposed Order for the purpose of pursuing final
5 settlement of this action.
6

7 **CURRENT CASE STATUS**

8 1) A case management conference is set for August 20, 2012 and the parties are
9 ordered to submit a Joint Status Report one week prior to August 20, 2012. (Doc. No. 19).
10

11 2) The Parties propose that the pending case management conference be
12 continued until November 19, 2012.

13 **BACKGROUND REGARDING THIS STIPULATION**

14 3) On April 18, 2012, the Court entered an Order (Doc. No. 19) extending the
15 stay of this action, pending finalization of a settlement agreement, and continuing the Initial
16 Case Management Conference to August 20, 2012 at 1:30 p.m.

17 4) Since the Court issued its Order extending the stay of this action, the Parties
18 have expended substantial time and effort in finalizing and implementing state-by-state class
19 action settlement agreements in the related, statewide class actions pending around the
20 country. There have now been preliminary and final approval for five settlements and
21 preliminary approval for twenty-four additional settlements. Final approval hearings are
22 scheduled in November and December, 2012 and January, 2013, for the twenty-four
23 settlement agreements that have been preliminarily approved. The Claims Administrator has
24 been actively engaged with mailing notices, publication of notices, and with the construction
25 of state-specific settlement web sites and call centers.
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1 Parties expect to file a motion for preliminary approval, which would essentially moot the
2 necessity of a formal response.

3 12) Accordingly, the Parties seek a continuance of the stay of this litigation, which
4 will allow the parties to pursue final settlement and proceed as described in the Stipulation
5 below.

7 **STIPULATION**

8 The Parties, by signature of their attorneys below, hereby stipulate and agree as follows:

9 1) That the case management conference presently set for August 20, 2012 be
10 continued to November 19, 2012 (or as the Court may otherwise determine proper) with a
11 Joint Status Report to be filed no later than one week prior to the case management
12 conference;

13 2) That the stay now in effect may be lifted for the limited purpose of permitting
14 the filing of the proposed First Amended Complaint, attached hereto in its entirety as Exhibit
15 A, and that the proposed First Amended Complaint may be filed forthwith;

16 3) That Defendants' time to respond to the First Amended Complaint be
17 extended to the later of November 30, 2012, or ten days after the next case management
18 conference should the Court set a case management conference date other than November 19,
19 2012; and

20 4) That except for the matters stipulated to above and matters arising out of or
21 related thereto, a stay of this litigation remain in place and in force pending further order of
22 the Court, but that the stay is to be lifted automatically upon motion of plaintiff or defendants
23 or upon the filing of a motion for preliminary approval of a settlement agreement by plaintiff
24 and defendants; and
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1 5) That to further expedite proceedings, this Stipulation may be executed in
2 multiple counterparts and by fax or digitally equivalent signatures.
3

4 Dated this 10th day of August, 2012

/s/ Steven R. Levy

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One of the attorneys of record for Plaintiff, TODD
SMITH

11 Dated this 10th day of August, 2012

/s/ William T. Gotfryd

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19 Dated this 10th day of August, 2012

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One of the attorneys of record for Defendants,
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SPRINT COMMUNICATIONS COMPANY L.P.;
LEVEL 3 COMMUNICATIONS, LLC; and
WILTEL COMMUNICATIONS, LLC TODD
SMITH

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PROPOSED ORDER

Based on the Stipulation of the Parties, and for good cause shown due to the Parties' pursuit of and anticipated settlement, IT IS HEREBY ORDERED THAT:

1. The case management conference presently set for August 20, 2012, be continued to November 19, 2012, at 1:30 p.m. with a Joint Status Report to be filed no later than one week prior to the case management conference;

2. The stay now in effect may be lifted for the limited purpose of permitting the filing of the Proposed First Amended Complaint attached as Exhibit A and the proposed First Amended Complaint may be filed forthwith;

3. Defendants' time to respond to a First Amended Complaint shall be the later of November 30, 2012, or ten days after the next case management conference;

4. Except to the matters stipulated to above and matters arising out of or related thereto, the stay of this action is extended subject to further Order of the Court, but that the stay is to 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.

IT IS SO ORDERED.

Dated: 08/14/2012

