

1 MICHAEL J. STORTZ (SBN #139386)
 michael.stortz@dbi.com
 2 MATTHEW J. ADLER (SBN #273147)
 matthew.adler@dbi.com
 3 DRINKER BIDDLE & REATH LLP
 50 Fremont Street, 20th Floor
 4 San Francisco, CA 94105-2235
 Telephone: (415) 591-7500
 5 Facsimile: (415) 591-7510
 6 Attorneys for Defendants
 METROPCS COMMUNICATIONS, INC.,
 7 METROPCS WIRELESS, INC., and T-MOBILE
 US, INC.
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION
 12

13 MARY DUDLEY, on behalf of herself and
 14 all others similarly situated,

15 Plaintiffs,

16 v.

17 METROPCS COMMUNICATIONS,
 18 INC.; METROPCS WIRELESS, INC.; T-
 MOBILE US, INC.; and DOES 1-100,

19 Defendants.

Case No. 3:14-cv-01802-VC

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
 ORDER RESCHEDULING (1) HEARING
 ON DEFENDANTS' MOTION TO
 DISMISS AND TO STRIKE CLASS
 ALLEGATIONS; AND (2) CASE
 MANAGEMENT CONFERENCE;
 DECLARATION OF MICHAEL J.
 STORTZ IN SUPPORT
 AS MODIFIED**

1 WHEREAS, Defendants MetroPCS Communications, Inc., MetroPCS Wireless, Inc., and T-
2 Mobile US, Inc. ("Defendants") have filed a motion (1) to dismiss Plaintiff Mary Dudley's Amended
3 Complaint; and (2) to strike the class allegations (D.E. 8) (hereafter, "Motion");

4 WHEREAS, the hearing on Defendants' Motion was previously set for June 26, 2014;

5 WHEREAS, by order filed June 11, 2014 (D.E. 21), this Court rescheduled the hearing on
6 Defendants' Motion for July 10, 2014 at 10:00 a.m.;

7 WHEREAS, counsel for Defendants has an unavoidable scheduling conflict and cannot attend
8 the hearing on July 10, 2014;

9 WHEREAS, the parties believe that, under these circumstances, it is appropriate to reschedule
10 the hearing for a date that is convenient for all parties and their counsel;

11 WHEREAS, the next hearing date available for the Court, and all parties and their counsel, is
12 July 24, 2014;

13 WHEREAS, by order filed May 16, 2014 (D.E. 17), a Case Management Conference is
14 currently scheduled for July 18, 2014 at 10:30 a.m.;

15 WHEREAS, the parties believe it would conserve judicial resources to resolve Defendants'
16 pending Motion before convening for a Case Management Conference;

17 WHEREAS, there have not been any previous modifications of any scheduling order or other
18 scheduled date in this action;

19 WHEREAS, the proposed scheduling changes set forth herein will not prejudice the parties and
20 will have minimal, if any, effect on any further scheduling in this action;

21 WHEREAS, pursuant to Civil Local Rule 6-1(b), the parties through counsel have met and
22 conferred and reached agreement as set forth herein.

23 THEREFORE, IT IS HEREBY STIPULATED by the parties through their respective counsel,
24 subject to Court approval, as follows:

25 1. The hearing on Defendants' pending Motion, currently scheduled for July 10, 2014,
26 shall be taken off calendar and rescheduled for July 24, 2014 at ~~10:00 a.m.~~
1:00 p.m.

27 2. The Case Management Conference, currently scheduled for July 18, 2014, shall be
28 taken off calendar and rescheduled for ~~August 5, 2014 at 10:00 a.m.~~
July 24, 2014 1:00 p.m.

3. The deadline for the parties to file a Joint Case Management Statement and Proposed Case Management Order shall be continued to and including July ~~29~~, 2014.

IT IS SO STIPULATED.

Dated: June 12, 2014

DRINKER BIDDLE & REATH LLP

By: /s/ Michael J. Stortz

Michael J. Stortz

Matthew J. Adler

Attorneys for Defendants
METROPCS COMMUNICATIONS, INC.,
METROPCS WIRELESS, INC., and
T-MOBILE US, INC.

Dated: June 12, 2014

THE TIDRICK LAW FIRM

By: /s/ Steven G. Tidrick

Steven G. Tidrick

Attorneys for Plaintiff
MARY DUDLEY

Attestation Pursuant to Civil Local Rule 5-1(i)

Pursuant to Civil Local Rule 5-1(i), I, Michael J. Stortz, hereby attest that I have obtained concurrence in the filing of this document from the other signatory to this document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12th day of June, 2014 in San Francisco, California.

/s/ Michael J. Stortz

Michael J. Stortz

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 16, 2014

The Honorable
UNITED STATES
JUDGE

DRINKER BIDDLE &
REATH LLP
ATTORNEYS AT LAW
SAN FRANCISCO

STIPULATION AND [PROPOSED] ORDER
RESCHEDULING (1) HEARING ON DEFS.' MOT.
TO DISMISS; AND (2) CMC; DECLARATION

- 2 -

CASE No. 3:14-CV-01802-VC

DECLARATION OF MICHAEL J. STORTZ

I, Michael J. Stortz, hereby declare:

1. I am a member of the State Bar of California, and admitted to practice before this Court. I am a partner with the law firm of Drinker Biddle & Reath LLP, counsel for Defendants in this proceeding. This Declaration is based upon my personal knowledge and, if called upon to do so, I could and would competently testify to the matters set forth below

2. The schedule set forth above may be entered into by way of stipulation pursuant to Civil Local Rule 6-1(b). This Declaration is provided in support, pursuant to Civil Local Rule 6-2(a).

3. I have a pre-paid vacation planned for the week of July 7, 2014. As a result, I will not be able to attend a hearing on July 10, 2014.

4. The schedule set forth above was reached through meet and confer of the parties through counsel. The parties have agreed that the hearing on Defendants' pending motion to dismiss should be rescheduled for July 24, 2014. The parties have further agreed that the Case Management Conference should be continued to August 5, 2014.

5. There have not been any previous modifications of any scheduling order or other scheduled date in this action.

6. The proposed scheduling changes set forth above will not prejudice the parties and will have minimal, if any, effect on any further scheduling in this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12th day of June, 2014 in San Francisco, California.

/s/ Michael J. Stortz
Michael J. Stortz