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13			
14	Attorneys for Plaintiff FEDERAL TRADE COMMISSION		
15	UNITED STATES DISTRICT COURT		
16	FOR THE NORTHERN DISTRICT OF CALIFORNIA San Francisco Division		
17		П	
18	FEDERAL TRADE COMMISSION,		
19 20	Plaintiff,	Case No. 14-cv-04785-EMC	
20	v.	STIPULATED REQUEST FOR FURTHER LIMITED BRIEFING	
21		<b>REGARDING DEFENDANT AT&amp;T'S</b>	
22 23	AT&T MOBILITY LLC, a limited liability company,	MOTION TO DISMISS	
23 24	Defendant.	Hearing Date: Mar. 12, 2015 Time: 9:30 a.m.	
24		Courtroom: 5, 17th Floor	
26			
27			
28			
	Stipulated Request for Further Briefing – 14-cv-04785-EMC		
		Dockets	
		DUCKets	

1	Pursuant to Civil Local Rules 7-3(d) and 7-12, plaintiff Federal Trade Commission		
2	("FTC") and defendant AT&T Mobility LLC ("AT&T") (collectively, the "Parties") hereby		
3	respectfully request Court approval to submit limited additional briefing relevant to AT&T's		
4	Motion to Dismiss (Dkt. #29). This request is occasioned by recent action by the Federal		
5	Communications Commission ("FCC"). Earlier today, the FCC issued an order reclassifying		
6	broadband internet access services – including the mobile data service at issue in this case – as		
7	common carriage subject to Title II of the Communications Act. See FCC Adopts Strong,		
8	Sustainable Rules to Protect the Open Internet, FCC press release, Feb. 26, 2015, available at		
9	http://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0226/DOC-332260A1.pdf.		
10	Because AT&T's motion relies on the common carrier exemption to Section 5 of the FTC Act,		
11	15 U.S.C. § 45, the parties believe that the Court would benefit from further limited briefing on		
12	what effect, if any, the FCC's action should have on this matter.		
13	Accordingly, the parties request the following additional briefing: 2		
14	1. A sur-reply, not to exceed ten pages, to be filed by the FTC on Tuesday, March $\frac{3}{4}$ ,		
15	2015.		
16	2. A sur-sur-reply, not to exceed ten pages, to be filed by AT&T on Friday, March 6,		
17	2015.		
18	Pursuant to Civil Local Rule 5-1(i), I hereby attest that I have obtained concurrence in the		
19	filing of this document from all other signatories to this document.		
20			
21	Re	espectfully submitted,	
22			
23	,	AVID C. SHONKA cting General Counsel	
24		/s/ Evan Rose	
25	Ev	/AN ROSE <i>et al</i> .	
26	At	torneys for Plaintiff	
27		DERAL TRADE COMMISSION	
28			
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1		KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.
2		/s/ Michael K. Kellogg
3		MICHAEL K. KELLOGG
4		Attorney for Defendant
5		AT&T MOBILITY LLC
6 7		
8	PURSUANT TO STIPULATION, IT	IS SO ORDERED
9	FTC's sur-reply due by Monday, March 2, AT&T's sur-reply due by Thursday, March	2015. TES DISTRICT
10	DATED:2/27/15	
11		HONORABLE EDW UNITED SPAT. IT IS SO ORDERED
12		NORTHERNDI
13		Judge Edward M. Chen
14		Judge Editor
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16		VDISTRICT OF
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	Stipulated Request for Further Briefing –	14-cv-04785-EMC Page 3