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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **OAKLAND DIVISION**

17 ZOLTAN STIENER and YNEZ STIENER,
 18 individually and on behalf of all others
 similarly situated,
 19
 Plaintiff,
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 v.
 21 APPLE COMPUTER, INC., AT&T
 22 MOBILITY, LLC, and DOES 1 through 50,
 inclusive,
 23 Defendants.

Case No. C 07-04486 SBA
**STIPULATED REQUEST TO CONTINUE
 INITIAL CASE MANAGEMENT
 CONFERENCE; [PROPOSED] ORDER
 THEREON**

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STIPULATED REQUEST

Pursuant to Civil Local Rules 6-2 and 7-12, plaintiffs Zoltan and Ynez Steiner (“Plaintiffs”) and defendants Apple Computer, Inc. and AT&T Mobility LLC (“AT&T”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, AT&T intends to file a Motion to Compel Arbitration;

WHEREAS, AT&T also intends to file a Motion to Stay its Obligations Under the Court’s Initial Scheduling Order Pending Resolution of its Soon-to-be-Filed Motion to Compel Arbitration (“Motion to Stay”);¹

WHEREAS, the parties have met and conferred and agree to continue the Initial Case Management Conference until after the Court rules on AT&T’s Motion to Stay;

NOW, THEREFORE, THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, STIPULATE AND JOINTLY REQUEST THAT:

The Court continue the Initial Case Management Conference currently scheduled for December 5, 2007 until after the Court rules on AT&T’s Motion to Stay.

IT IS SO STIPULATED.

Dated: November 1, 2007

Folkenflik & McGerity

By: /s/ Max Folkenflik
Max Folkenflik

Attorneys for Plaintiffs Zoltan and Ynez Steiner

Dated: November 1, 2007

Morrison & Foerster LLP

By: /s/ Andrew Muhlbach
Andrew Muhlbach

Attorneys for Defendant Apple Computer, Inc.

¹ Plaintiffs agree to stay proceedings until the Court rules on the Motion to Stay but do not agree to stay proceedings until the Court rules on the Motion to Compel Arbitration.

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Dated: November 1, 2007

Mayer Brown LLP

By: /s/ Rena Chng
Rena Chng

Attorneys for Defendant AT&T Mobility LLC

Filer's Attestation: Pursuant to General Order No. 45, I, Rena Chng, attest that I obtained concurrence in the filing of this document from the other signatories.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Initial Case Management Conference is continued to _____, 2008, at 3:00 p.m.

Dated: _____, 2007

The Honorable Sandra B. Armstrong
United States District Judge

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DECLARATION OF VICTORIA R. COLLADO

I, Victoria R. Collado, hereby declare as follows:

1. I am Counsel at the law firm of Mayer Brown LLP, counsel of record for defendant AT&T in the above-captioned matter. Pursuant to Civil Local Rule 6-2, I submit this declaration in support of the parties' Stipulated Request to Continue Initial Case Management Conference. I have personal knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. On October 16, 2007, I met and conferred with counsel for Plaintiffs regarding a stay of proceedings pending the Court's ruling on AT&T's Motion to Compel Arbitration. Plaintiffs agreed to stay proceedings until the Court rules on AT&T's Motion to Stay, but would not agree to stay proceedings until the Court rules on the Motion to Compel Arbitration.

3. The parties jointly request that the Court continue the Initial Case Management Conference currently scheduled for December 5, 2007 until after the Court rules on AT&T's Motion to Stay Proceedings in order to avoid the unnecessary expenditure of time and cost in the event the Court rules in AT&T's favor on that motion.

4. Plaintiffs and AT&T have stipulated twice to extend AT&T's time to respond to Plaintiffs' complaint. AT&T has filed both stipulations with the Court.

5. The parties' joint request to continue the Initial Case Management Conference has no effect on the schedule for the case as no schedule has been set yet.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Chicago, Illinois this 1st day of November, 2007.

/s/ Victoria R. Collado
VICTORIA R. COLLADO