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

16 ZOLTAN STIENER and YNEZ STIENER,

17 Plaintiffs,

18 v.

19 APPLE COMPUTER, INC., AT&T MOBILITY,  
LLC, and DOES 1 through 50, inclusive,

20 Defendants.  
21  
22

Case No.: C 07-04486 SBA

**NOTICE OF MOTION AND MOTION  
OF AT&T MOBILITY LLC TO  
COMPEL ARBITRATION AND TO  
DISMISS CLAIMS PURSUANT TO  
THE FEDERAL ARBITRATION ACT**

Date: February 26, 2008

Time: 1:00 p.m.

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Judge: Honorable Sandra B. Armstrong

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**NOTICE OF MOTION AND MOTION**

TO PLAINTIFFS AND THEIR COUNSELS OF RECORD:

PLEASE TAKE NOTICE that on February 26, 2008, at 1:00 p.m., in the United States District Court for the Northern District of California, located at 1301 Clay Street, Oakland, California, or as soon as thereafter as this matter may be heard, defendant AT&T Mobility LLC (hereinafter “ATTM”), will move and hereby does move for an order (1) compelling plaintiffs to arbitrate their claims against ATTM pursuant to 9 U.S.C. § 4; and (2) dismissing plaintiffs’ claims.

ATTM brings this motion on the ground the Federal Arbitration Act, 9 U.S.C. §§ 1–16, requires plaintiffs to pursue their claims in accordance with their arbitration agreements.

This motion is supported by the Memorandum of Points and Authorities, the Declarations of Neal S. Berinhout, Richard A. Nagareda, and Victoria R. Collado, and all exhibits thereto, and the [Proposed] Order filed concurrently herewith.

DATED: November 21, 2007

MAYER BROWN LLP

By: /s/ Donald M. Falk  
Donald M. Falk

*Attorneys for Defendant AT&T MOBILITY LLC*

**PROOF OF SERVICE**

I am employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Two Palo Alto Square, Suite 300, Palo Alto, California 94306-2112.

On November 21, 2007, I served the foregoing document(s) described as

- **NOTICE OF MOTION AND MOTION OF AT&T MOBILITY LLC TO COMPEL ARBITRATION AND TO DISMISS CLAIMS PURSUANT TO THE FEDERAL ARBITRATION ACT**

on each interested party, as follows:

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.

by placing the document(s) listed above in a sealed facsimile & U.S. Mail envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a facsimile & U.S. Mail agent for delivery.

X by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

H. Tim Hoffman  
Hoffman & Lazear  
180 Grand Avenue, Suite 1550  
Oakland, CA 94612  
510-763-5700

Max Flokenflik  
Folkenflik & McGerity  
1500 Broadway, 21<sup>st</sup> Floor  
New York, NY 10036

VIA HAND DELIVERY

VIA U.S. MAIL

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on November 21, 2007, at Palo Alto, California.

/s/ Meghan C. Samora  
Meghan C. Samora