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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **OAKLAND DIVISION**
 16

17 ZOLTAN STIENER and YNEZ STIENER,
 18 individually and on behalf of all others
 similarly situated,

19 Plaintiff,

20 v.

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

23 Defendants.

Case No. C 07-04486 SBA

**MOTION FOR LEAVE TO FILE
 WILLIAMS DECLARATION TO
 CORRECT THE RECORD ON AT&T'S
 MOTION TO COMPEL ARBITRATION
 WITH RESPECT TO RESTOCKING FEE
 (LOCAL RULE 7-11)**

1 Pursuant to Local Rule 7-11, defendant AT&T Mobility LLC (“ATTM”) hereby seeks
2 leave to file the Declaration of David Williams to correct the record on ATTM’s Motion to
3 Compel Arbitration for the reasons set forth below. This administrative motion is supported by
4 the Declaration of Victoria Collado (“Collado Dec.”), the parties’ Stipulation, and the [Proposed]
5 Order filed herewith.

6 On February 12, 2008, ATTM filed its reply in support of its Motion to Compel
7 Arbitration. *See* Docket No. 48. In that reply, ATTM explained that a 10% restocking fee is
8 charged when a customer returns an iPhone after opening the box.

9 On February 13, 2008, counsel for Apple informed counsel for ATTM that Apple retail
10 stores have a policy of waiving this restocking fee if the customer did not agree to ATTM’s
11 terms and conditions. Collado Dec., ¶ 2. On February 22, 2008, counsel for Apple forwarded
12 the Declaration of David Williams, which describes this policy. *Id.* Ex. A.

13 As plaintiffs Zoltan and Ynez Steiner (“Plaintiffs”) have no objection to clarifying the
14 record, ATTM respectfully requests that the Court grant ATTM leave to file the Declaration of
15 David Williams submitted herewith.

16 Dated: February 22, 2008

Mayer Brown LLP

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

19 *Attorneys for Defendant AT&T Mobility LLC*
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