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12 Attorneys for Defendant AT&T MOBILITY LLC

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

16 ZOLTAN STIENER and YNEZ STIENER,
 Plaintiffs,
 17 v.
 18 APPLE COMPUTER, INC., AT&T MOBILITY,
 19 LLC, and DOES 1 through 50, inclusive,
 20 Defendants.

Case No.: C 07-04486 SBA

DEFENDANT AT&T MOBILITY LLC'S
 MOTION FOR LEAVE TO FILE REPLY IN
 SUPPORT OF ITS MOTION FOR STAY
 PENDING APPEAL

Date: April 29, 2008

Honorable Sandra B. Armstrong

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1 Defendant AT&T Mobility LLC (“ATTM”) respectfully requests leave to file late the
2 attached reply brief in support of ATTM’s motion for a stay pending appeal. In support of this
3 motion, ATTM states as follows:

4 1. ATTM filed its motion for a stay pending appeal (Docket No. 63) on March 24,
5 2008. Plaintiffs filed their opposition to ATTM’s motion (Docket No. 76) on April 10, 2008.
6 Because a hearing before this Court on ATTM’s motion had been noticed for April 29, 2008,
7 ATTM’s reply in support of the motion was due on April 15, 2008.

8 2. By April 15, 2008, counsel for ATTM had drafted and finalized for filing a reply
9 brief that responded to the points in plaintiffs’ opposition. However, due to a clerical error, the
10 reply brief did not get filed on that date.

11 3. ATTM’s counsel did not discover the error until this afternoon. Counsel for
12 ATTM telephoned plaintiffs’ counsel in both New York and California to request their consent to
13 this motion, but was unable to reach them.

14 4. ATTM requests the Court’s leave to file the attached reply brief. In light of the
15 fact that the Court has taken the hearing scheduled for April 29, 2008 off calendar, and will
16 instead resolve ATTM’s motion on the papers, ATTM will no longer have the opportunity to
17 present the points in its reply brief orally. Without the Court’s leave to file the attached reply
18 brief, ATTM will not be able to respond at all.

19 5. Counsel for ATTM deeply regrets and apologizes to the Court for the error.

20 DATED: April 25, 2008

MAYER BROWN LLP

21 By: /s/ Donald M. Falk
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