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13 Attorneys for Plaintiff
14 STEVEN MCARDLE

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

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19 STEVEN MCARDLE, an individual, on
behalf of himself, the general public and
20 those similarly situated,

21 Plaintiff,

22 v.

23 AT&T MOBILITY LLC; NEW
CINGULAR WIRELESS PCS LLC;
24 NEW CINGULAR WIRELESS
SERVICES, INC., AND DOES 1
25 THROUGH 50,

26 Defendants.
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Case No. CV-09-01117 (CW)

**JOINT STIPULATION
EXTENDING DEADLINE FOR
DEFENDANTS' ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT AND REQUEST
FOR ORDER**

Judge: Hon. Claudia Wilken

1 Plaintiff Steven McArdle (“Plaintiff”) and Defendants AT&T Mobility LLC,
2 New Cingular Wireless PCS LLC, and New Cingular Wireless Services, Inc.
3 (collectively, “ATTM”), by and through their respective counsel of record, hereby
4 stipulate as follows:

5 WHEREAS:

6 1. Plaintiff filed his Complaint in this action on February 10, 2009, in the
7 Superior Court for the State of California, County of Los Angeles.

8 2. On March 10, 2009, ATTM answered the Complaint pursuant to
9 California Code of Civil Procedure § 430.40. The answer contained a general
10 denial of all allegations, and affirmative defenses.

11 3. On March 13, 2009, ATTM removed this case to this Court.

12 4. On May 22, 2009, Plaintiff filed a First Amended Complaint.

13 5. Beginning June 8, 2009, Counsel for Plaintiff and Counsel for ATTM
14 began discussing ATTM’s proposed stipulation to allow its response to the original
15 Complaint to be deemed ATTM’s response to the First Amended Complaint.

16 6. On June 11, 2009, Counsel for Plaintiff informed Counsel for ATTM
17 that they would not stipulate to have ATTM’s answer to the original Complaint be
18 deemed its response to the First Amended Complaint, because, among other
19 reasons, the answer does not comply with Federal Rule of Civil Procedure 8(b).

20 7. The current deadline for ATTM’s response to the First Amended
21 Complaint is June 12, 2009.

22 NOW, THEREFORE, THE PARTIES JOINTLY STIPULATE AS
23 FOLLOWS:

24 The parties request the Court to order that ATTM can have to and including
25 June 19, 2009 to file an answer to the First Amended Complaint. This extension
26 shall not permit ATTM to file any response to the First Amended Complaint other
27 than an answer.
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Dated: June , 2009

MAYER BROWN LLP
JOHN NADOLENCO
JOSEPH W. GOODMAN

By: _____
Joseph W. Goodman
Attorneys for Defendants
AT&T MOBILITY LLC, ET AL

Dated: June , 2009

GUTRIDE SAFIER LLP
ADAM J. GUTRIDE
SETH A. SAFIER

By: _____
Seth A. Safier
Attorneys for Plaintiff
STEVEN MCARDLE

IT IS SO ORDERED.

Dated: June 17 , 2009 _____



The Honorable Claudia Wilken
United States District Court Judge