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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 STEVEN MCARDLE, an individual, on behalf of himself,  
 12 the general public and those similarly situated  
 13 Plaintiff,  
 14 v.  
 15 AT&T MOBILITY LLC; NEW CINGULAR WIRELESS  
 16 PCS LLC; NEW CINGULAR WIRELESS SERVICES,  
 17 INC., AND DOES 1 THROUGH 50  
 18 Defendants

CASE NO. CV-09-01117 (CW)  
 STIPULATION FOR LEAVE  
 TO FILE SECOND AMENDED  
 COMPLAINT AND ORDER AS  
**AMENDED**

Dept: Courtroom 2, 4th Floor  
 Judge: Hon. Claudia Wilken

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

5 WHEREAS:

6 1. Plaintiff filed his Complaint in this action on February 10, 2009, in the Superior  
7 Court for the State of California, County of Los Angeles. The Complaint pled violations of the  
8 following California laws: the Consumers Legal Remedies Act, Civil Code section 1750, et seq.  
9 (“CLRA”), Unfair Competition Law (“UCL”), False Advertising Law (“FAL”), and common law  
10 of fraud, deceit and/or misrepresentation.

11 2. On May 29, 2009, the Court approved the parties’ stipulation giving Plaintiff leave  
12 to file a First Amended Complaint and deemed that complaint filed the same day. The First  
13 Amended Complaint added claims for damages under the CLRA.

14 3. On July 13, 2009, the Court ordered that the last day for adding parties or claims is  
15 October 1, 2009.

16 4. On September 29, 2009, Plaintiff provided Defendants with a proposed Second  
17 Amended Complaint in the form attached hereto as Exhibit B, showing in redline proposed  
18 changes from the First Amended Complaint. The proposed Second Amended complaint pleads  
19 violations of the CLRA, UCL, and FAL, on behalf of two new proposed classes of similarly  
20 situated persons, relating to the mandatory arbitration and class action waiver provisions that are  
21 included in Defendants’ mobile telephone service agreements. A copy of the proposed Second  
22 Amended Complaint without redlines is attached hereto as Exhibit A.

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

- 24 (1) Plaintiff should be granted leave to file the Second Amended Complaint attached  
25 hereto as Exhibit A.
- 26 (2) Upon entry of an order approving this stipulation, the Second Amended Complaint  
27 **shall be filed by Plaintiff forthwith.**
- 28 (3) Defendants shall retain any and all rights to move to dismiss, move to strike,

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answer, challenge, or otherwise respond to the Second Amended Complaint under the Federal Rules Civil Procedure.

(4) The due date for Defendants' response to the Second Amended Complaint shall be 30 days from the entry of an order granting Plaintiff leave to file the Second Amended Complaint.

Dated: September 30, 2009

**GUTRIDE SAFIER LLP**

/s/ Adam Gutride  
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Attorneys for Plaintiff

Dated: September 30, 2009

**MAYER BROWN LLP**

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**IT IS SO ORDERED**



Dated: 10/5, 2009

Hon. Claudia Wiken  
U.S. District Judge