

1                                    IN THE UNITED STATES DISTRICT COURT  
 2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

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 6 KENNETH A. THELIAN, an individual, on  
 behalf of himself, the general public  
 and those similarly situated,

7                                    Plaintiff,

8                                    v.

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 10 AT&T MOBILITY LLC; NEW CINGULAR WIRELESS  
 PCS LLC; and NEW CINGULAR WIRELESS  
 SERVICES, INC.,

11                                    Defendants.  
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No. C 10-3440 CW

ORDER GRANTING  
 DEFENDANTS'  
 RENEWED MOTION TO  
 COMPEL ARBITRATION  
 AND STAY ACTION  
 (Docket No. 32)

13 \_\_\_\_\_/  
 14                                    Defendants AT&T Mobility LLC, New Cingular Wireless PCS LLC,  
 15 and New Cingular Wireless Services, Inc. (collectively, ATTM) have  
 16 filed a renewed motion to compel arbitration Plaintiff Kenneth  
 17 Thelian's claims.<sup>1</sup> Thelian did not oppose the motion and has  
 18 therefore waived the issue. Accordingly, the Court GRANTS ATTM's  
 19 motion to compel arbitration and stay the action. (Docket No. 32)  
 20 The case is stayed pending arbitration, which must be diligently  
 21 pursued.<sup>2</sup> Nothing contained in this order shall be considered a  
 22 dismissal or disposition of this action, and, should further

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 24                                    <sup>1</sup> ATTM has also filed a renewed motion to compel arbitration  
 in the related case, McArdle v. AT&T Mobility LLC, No. 09-1117.  
 25 The motion was opposed in that case and will be decided separately  
 after oral argument.

26                                    <sup>2</sup> There appears to be no further reason at this time to  
 27 maintain the file as open for statistical purposes, and the Clerk  
 is instructed to submit a JS-6 Form to the Administrative Office.  
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1 proceedings become necessary or desirable, any party may move to  
2 restore the case to the Court's calendar.

3 IT IS SO ORDERED.

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5 Dated: 7/3/2013

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7 CLAUDIA WILKEN  
8 United States District Judge  
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