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19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 **GEORGE GALLARDO, CARLOS**  
 22 **BARRAGAN, KYLE BINNS, CARLOS**  
 23 **CRUZ, JENNIFER DE WITT, HECTOR**  
 24 **RODRIGUEZ, DENISE ROMAN,**  
 25 individually and on behalf of all others  
 26 similarly situated,

27 Plaintiffs,

28 vs.

29 **AT&T MOBILITY, LCC**, a limited liability  
 30 corporation; and **DOES 1 through 50,**  
 31 inclusive,

32 Defendants.

CASE NO. 3:11-cv-04749-CW

**JOINT STIPULATION TO STAY  
 ACTION PENDING PURSUIT  
 OF INFORMAL RESOLUTION**

**[PROPOSED] ORDER**

*[Filed Under Separate Cover]*

1 **RECITALS**

2  
3 WHEREAS, Plaintiffs GEORGE GALLARDO, CARLOS BARRAGAN,  
4 KYLE BINNS, CARLOS CRUZ, JENNIFER DE WITT, HECTOR RODRIGUEZ  
5 and DENISE ROMAN (collectively, “Plaintiffs”) filed a Complaint on August 19,  
6 2011 in the Los Angeles County Superior Court (the “State Court”), Case No.  
7 RG11591396 therein (the “State Court Action”) against Defendant AT&T  
8 MOBILITY, LLC (erroneously sued herein as AT&T MOBILITY, LCC)  
9 (“Defendant”); and

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11 WHEREAS, Plaintiffs personally served Defendant with a Summons and  
12 Complaint in the State Court Action on August 25, 2011; and

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14 WHEREAS, Defendant removed the State Court Action to this Court on  
15 September 23, 2011; and

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17 WHEREAS, Defendant intends to file a motion pursuant to Fed. R. Civ. P. 12  
18 challenging the sufficiency of the claims alleged in Plaintiffs’ operative pleading;  
19 and

20  
21 WHEREAS, the parties and their respective collective bargaining  
22 representatives have been engaged in and are continuing to engage in discussions,  
23 which will last into early January 2012, that could lead to the resolution of this  
24 action without further court action;

25  
26 WHEREAS, the parties believe that Defendant’s filing of a motion to dismiss  
27 could derail the aforementioned discussions; and

1 WHEREAS the parties have previously stipulated pursuant to Local Rule 6-1  
2 to extensions of time for Defendant to serve and file any motions or other pleadings  
3 responsive to Plaintiffs' Complaint, which is currently due on November 28, 2011;  
4 and

5  
6 WHEREAS, rather than continuing to enter into further stipulations to extend  
7 Defendant's responsive pleading deadline while discussions about resolution of this  
8 action continue into early January 2012, the parties believe that the interests of  
9 justice will be best served by staying this action through and including January 13,  
10 2012.

11  
12 **STIPULATION**  
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14 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by  
15 and between Plaintiffs and Defendant through their respective undersigned counsel  
16 that:

- 17  
18 1. The Court enter an order staying this action until January 16, 2012; and  
19  
20 2. Defendant's time within which to answer or otherwise serve and file  
21 any motions or other pleadings responsive to Plaintiffs' Complaint in  
22 this action shall be and hereby is extended to 14 court days after the  
23 above-described stay is lifted; and

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3. By entering into this Stipulation, Defendant does not waive and expressly reserves all defenses and challenges to Plaintiffs' action.

DATED: November 21, 2011

**WEINBERG, ROGER & ROSENFELD  
LOCKER FOLBERG LLP**

By: /s/ David A. Rosenfeld (with permission)  
David A. Rosenfeld, Esq.  
Roberta D. Perkins, Esq.  
Miles E. Locker, Esq.

Attorneys for Plaintiffs

DATED: November 28, 2011

**MCGUIREWOODS LLP**

By: /s/ Michael D. Mandel  
Matthew C. Kane, Esq.  
Michael D. Mandel, Esq.  
Sylvia J. Kim, Esq.

Attorneys for Defendant

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

GEORGE GALLARDO, CARLOS  
BARRAGAN, KYLE BINNS, CARLOS  
CRUZ, JENNIFER DE WITT, HECTOR  
RODRIGUEZ, DENISE ROMAN,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

AT&T MOBILITY, LCC, a limited liability  
corporation; and DOES 1 through 50,  
inclusive,

Defendants.

CASE NO. 3:11-cv-04749-CW

**[PROPOSED] ORDER STAYING  
ACTION UNTIL JANUARY 16,  
2012 FOR PURSUIT OF  
INFORMAL RESOLUTION**

Plaintiffs George Gallardo, Carlos Barragan, Kyle Binns, Carlos Cruz,  
Jennifer De Witt, Hector Rodriguez, and Denise Roman and Defendant AT&T  
Mobility, LLC have presented to the Court a stipulation (Dkt. Entry 11) to stay this  
action until January 16, 2012 so that the parties may pursue an informal resolution  
of this action.

Good cause appearing therefore, the Court hereby adopts the parties’  
stipulation and orders as follows:

1. This action is stayed until January 16, 2012; and


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2. Defendant's time within which to answer or otherwise serve and file any motions or other pleadings responsive to Plaintiffs' Complaint in this action shall be and hereby is extended to 14 court days after the above-described stay is lifted; and

3. By entering into this Stipulation, Defendant does not waive and expressly reserves all defenses and challenges to Plaintiffs' action.

**IT IS SO ORDERED.**

DATED: 12/2/2011

  
\_\_\_\_\_  
HON. CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE