

1 Joseph N. Kravec, Jr. (Admitted *Pro Hac Vice*)
2 **SPECTER SPECTER EVANS**
3 **& MANOGUE, P.C.**

E-Filed 2/11/2010

4 The 26th Floor Koppers Building
5 Pittsburgh, Pennsylvania 15291
6 Tel: (412) 642-2300
7 Fax: (412) 642-2309

8 Janet Lindner Spielberg (SBN 221926)
9 **LAW OFFICES OF JANET LINDNER**
10 **SPIELBERG**

11 12400 Wilshire Boulevard, #400
12 Los Angeles, California 90025
13 Tel: (310) 392-8801
14 Fax: (310) 278-5938

15 Michael D. Braun (SBN 167416)
16 **BRAUN LAW GROUP, P.C.**
17 10680 West Pico Boulevard, Suite 280
18 Los Angeles, California 90064
19 Tel: (310) 836-6000
20 Fax: (310) 836-6010

Ira Spiro (SBN 67641)
SPIRO MOSS LLP
11377 West Olympic Blvd., 5th Floor
Los Angeles, California 90064-1683
Tel: (310) 235-2468
Fax: (310) 235-2456

21 *Attorneys for Plaintiffs*

22 **IN THE UNITED STATES DISTRICT COURT**

23 **NORTHERN DISTRICT OF CALIFORNIA**

24 **SAN JOSE DIVISION**

25 JONATHAN C. KALTWASSER,
26 on behalf of himself and all others
27 similarly situated,

28 Plaintiff,

v.

AT&T MOBILITY LLC
f/k/a/CINGULAR WIRELESS LLC,

Defendant.

) Case No. 5:07-CV-411
) **STIPULATION AND PROPOSED CASE**
) **MANAGEMENT SCHEDULING ORDER**
) **AMENDING ORDER ENTERED ON**
) **DECEMBER 4, 2009**

1 The parties, by their undersigned counsel, hereby submit the following stipulation and
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. On December 4, 2009, this Court held a Case Management Conference and entered a
4 Case Management Scheduling Order (Document 104) adopting the parties proposed schedule
5 (Document 102) providing the parties until January 29, 2010 to complete discovery related to class
6 certification issues, requiring Plaintiff's Motion for Class Certification and Supporting
7 Memorandum to be filed by February 12, 2010, Defendant's Opposition thereto to be filed by March
8 19, 2010, Plaintiff Reply thereto to be filed by April 9, 2010, and setting a motions hearing on class
9 certification for April 23, 2010, at 9:00 a.m.

10 2. Plaintiff's counsel, Joseph N. Kravec, Jr., who is primarily responsible for preparing
11 Plaintiff's class certification moving papers, is located in Pittsburgh, Pennsylvania, which is
12 presently in a state of emergency due to nearly 2 feet of snow falling last weekend and more
13 expected this week. Indeed, the federal court in Pittsburgh has been closed most of this week. As a
14 result, Mr. Kravec's office was closed on Monday and expects to be closed several other days this
15 week, which has and will hamper his ability to prepare Plaintiff's class certification moving papers
16 which are due on February 12, 2010.

17 3. In that connection, the parties conferred with respect to extending the current class
18 certification schedule and hereby agree to and submit the following stipulation for an amended
19 schedule for completion of class discovery and for the hearing and briefing on Plaintiff's Motion for
20 Class Certification:

21 1. Plaintiff's motion and brief in support of class certification shall be filed no
22 later than **February 26, 2010**.

23 2. Defendant's opposition to the Motion for Class Certification shall be filed no
24 later than **April 2, 2010**.

25 3. Plaintiff's reply in support of her Motion for Class Certification shall be filed
26 no later than **April 23, 2010**.

1 4. The Motion for Class Certification shall be heard on **May 7, 2010, at 9:00**
2 **a.m.** in Courtroom 3, 5th Floor, United States Courthouse, 280 S. First Street, San Jose,
3 California.

4 The Parties respectfully request that the Court enter this Stipulation.

5 Dated: February 9, 2010

6 **AGREED TO BY:**

7 **SPECTER SPECTER EVANS**
8 **& MANOGUE, P.C.**

9 By: /s/ JOSEPH N. KRAVEC, JR.
10 Joseph N. Kravec, Jr. (*pro hac vice*)
 Wyatt A. Lison

11 The 26th Floor Koppers Building
12 Pittsburgh, Pennsylvania 15219
13 Telephone: (412) 642-2300
14 Facsimile: (412) 642-2309
15 Email: jnk@ssem.com

16 Janet Lindner Spielberg (221926)
17 **LAW OFFICES OF JANET LINDNER**
18 **SPIELBERG**

19 12400 Wilshire Boulevard, Suite 400
20 Los Angeles, California 90025
21 Telephone: (310) 392-8801
22 Facsimile: (310) 278-5938

23 Michael D. Braun (167416)
24 **BRAUN LAW GROUP, P.C.**
25 10680 West Pico Boulevard, Suite 280
26 Los Angeles, California 90064
27 Telephone: (310) 836-6000
28 Facsimile: (310) 836-6010

29 Ira Spiro (67641)
30 **SPIRO MOSS, LLP**
31 11377 West Olympic Boulevard, Fifth Floor
32 Los Angeles, California 90064-1683
33 Telephone: (310) 235-2468
34 Facsimile: (310) 235-2456

35 ***Attorneys for Plaintiff and the Class***

36 **McKENNA LONG & ALDRIDGE LLP**

37 By: /s/ NATHAN L. GARROWAY
38 David L. Balser (GA 035835)
39 (*pro hac vice*)
40 Nathan L. Garroway (GA 142194)
41 (*pro hac vice*)

42 303 Peachtree Street, N.E., Suite 5300
43 Atlanta, GA 30308
44 Telephone: (404) 527-4000
45 Facsimile: (404) 527-4198
46 Email: dbalser@mckennalong.com
47 ngarroway@mckennalong.com

48 Felicia Y. Feng (184346)
49 **McKENNA LONG & ALDRIDGE LLP**
50 101 California Street, 41st Floor
51 San Francisco, California 94111
52 Telephone: (415) 267-4000
53 Facsimile: (415) 267-4198
54 Email: ffeng@mckennalong.com

55 ***Attorneys for Defendant ATT Mobility f/k/a***
56 ***Cingular Wireless LLC***

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: February 11, 2010



Honorable Jeremy Fogel