

1 Felicia Y. Feng (184346)
 2 MCKENNA LONG & ALDRIDGE LLP
 3 101 California Street
 4 41st Floor
 5 San Francisco, California 94111
 Telephone: (415) 267-4000
 Facsimile: (415) 267-4198
 Email: ffeng@mckennalong.com

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6 David L. Balsler (*pro hac vice*)
 7 Nathan L. Garroway (*pro hac vice*)
 8 MCKENNA LONG & ALDRIDGE LLP
 9 303 Peachtree Street, N.E., Suite 5300
 Atlanta, GA 30308
 Telephone: (404) 527-4000
 Facsimile: (404) 527-4198
 10 Email: dbalsler@mckennalong.com
 11 ngarroway@mckennalong.com

12 *Attorneys for Defendant*
 13 *AT&T Mobility LLC f/k/a Cingular Wireless*

14 **IN THE UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN JOSE DIVISION**

17 JONATHAN C. KALTWASSER,
 18 on behalf of himself and all others
 19 similarly situated,

Plaintiff,

v.

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

Defendant.

) Case No. 5:07-CV-00411 JF
) **STIPULATION AND PROPOSED-CASE**
) **MANAGEMENT SCHEDULING ORDER**
) **AMENDING ORDER ENTERED ON**
) **FEBRUARY 11, 2010**
) **HONORABLE JEREMY FOGEL**

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 February 11, 2010, this Court entered an Amended Case Management Scheduling
4 Order [Document 106] adopting the parties proposed schedule [Document 105], requiring Plaintiff's
5 Motion for Class Certification and Supporting Memorandum to be filed by February 26, 2010,
6 Defendant's Opposition thereto to be filed by April 2, 2010, Plaintiff Reply thereto to be filed by
7 April 23, 2010, and setting a motions hearing on class certification for May 7, 2010, at 9:00 a.m.

8 2. Plaintiff filed his Motion for Class Certification and Supporting Memorandum on
9 February 26, 2010. [Document 108.] In support of that Motion, Plaintiff also submitted the expert
10 declaration of Gary C. French, Ph.D (under seal) with multiple exhibits (filed under seal.) In order
11 to adequately respond to Plaintiff's submission of expert testimony, Defendant will need to depose
12 Dr. French, engage its own expert, and tender its own expert testimony. To do so, Defendant
13 believes additional time will be necessary to complete these tasks prior to Defendant submitting its
14 opposition papers to class certification, which are due on April 2, 2010.

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

19 1. Defendant's opposition to the Motion for Class Certification shall be filed no
20 later than **April 16, 2010**.

21 2. Plaintiff's reply in support of his Motion for Class Certification shall be filed
22 no later than **May 7, 2010**.

23 3. The Motion for Class Certification shall be heard on **May 21, 2010, at 9:00**
24 **a.m.** in Courtroom 3, 5th Floor, United States Courthouse, 280 S. First Street, San Jose,
25 California.

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

2 Dated: March 15, 2010

3 **AGREED TO BY:**

4 **SPECTER SPECTER EVANS**
5 **& MANOGUE, P.C.**

6 By: /s/ Joseph N. Kravec
7 Joseph N. Kravec, Jr. (*pro hac vice*)
Wyatt A. Lison

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

13 Janet Lindner Spielberg (221926)
14 **LAW OFFICES OF JANET LINDNER**
15 **SPIELBERG**

16 12400 Wilshire Boulevard, Suite 400
17 Los Angeles, California 90025
18 Telephone: (310) 392-8801
19 Facsimile: (310) 278-5938

20 Michael D. Braun (167416)
21 **BRAUN LAW GROUP, P.C.**
22 10680 West Pico Boulevard, Suite 280
23 Los Angeles, California 90064
24 Telephone: (310) 836-6000
25 Facsimile: (310) 836-6010

26 Ira Spiro (67641)
27 **SPIRO MOSS, LLP**
28 11377 West Olympic Boulevard, Fifth Floor
Los Angeles, California 90064-1683
Telephone: (310) 235-2468
Facsimile: (310) 235-2456

Attorneys for Plaintiff and the Class

McKENNA LONG & ALDRIDGE LLP

By: /s/ Nathan L. Garroway
David L. Balsler (*pro hac vice*)
Nathan L. Garroway (*pro hac vice*)

303 Peachtree Street, N.E., Suite 5300
Atlanta, GA 30308
Telephone: (404) 527-4000
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Facsimile: (415) 267-4198
Email: ffeng@mckennalong.com

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

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

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3 **Dated: March 22, 2010**

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Honorable Jeremy Fogel

1 **CERTIFICATE OF SERVICE**

2 This is to certify that on March 15, 2010, I electronically filed the within and forgoing
3 **Stipulation and [Proposed] Order Amending the Case Management Scheduling Order Entered**
4 **on February 11, 2010** with the Clerk of Court using the CM/ECF system, which will automatically
5 send email notification of such filing to the following attorneys of record:

6
7 Ira Spiro
8 James Mark Moore
9 Michael David Braun
10 Felicia Feng
11 Joseph Kravec
12 David Balsler
13 Nathan Garroway
14 Janet Lindner Spielberg
15 Donald M. Falk
16 Wyatt A. Lison

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By: /s/ Nathan L. Garroway
Nathan L. Garroway
MCKENNA LONG & ALDRIDGE LLP
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Atlanta, GA 30308
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