

E-Filed 4/27/2010

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17 **ATTORNEYS FOR PLAINTIFF**

18 **IN THE UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 **SAN JOSE DIVISION**

21 JONATHAN C. KALTWASSER,
on behalf of himself and all others
22 similarly situated,

23 Plaintiff,

24 v.

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

26 Defendant.
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) Case No. 5:07-CV-00411 JF
) **STIPULATION AND PROPOSED CASE**
) **MANAGEMENT SCHEDULING ORDER**
) **AMENDING ORDER ENTERED ON**
) **MARCH 22, 2010, AS MODIFIED BY**
) **THE COURT**
) **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. Plaintiff filed his Motion for Class Certification and supporting papers on February
4 26, 2010 [Documents 108-109].

5 2. On March 22, 2010, this Court entered an Amended Case Management Scheduling
6 Order [Document 121] adopting the parties proposed schedule [Document 115], requiring
7 Defendant's Opposition thereto to be filed by April 16, 2010, Plaintiff Reply thereto to be filed by
8 May 7, 2010, and setting a motions hearing on class certification for May 21, 2010, at 9:00 a.m.

9 2. Defendant filed its Opposition to Plaintiff's Motion for Class Certification and
10 Supporting Memorandum on April 16, 2010. [Document 131.] In support of that Motion,
11 Defendant also submitted the expert declaration of Professor A. Mitchell Polinsky (under seal). In
12 order to adequately respond to Defendant's submission of expert testimony, Plaintiff will need to
13 depose Professor Polinsky. Plaintiff believes additional time will be necessary to complete these
14 tasks prior to Plaintiff submitting his reply papers to class certification, which are due on May 7,
15 2010.

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

20 a. Plaintiff's reply in support of his Motion for Class Certification shall be filed
21 no later than **May 21, 2010.** 11

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

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

2 Dated: April 26, 2010

3 **AGREED TO BY:**

4 **STEMBER FEINSTEIN DOYLE PAYNE**
5 **& CORDES, LLC**

6 By: s/Joseph N. Kravec, Jr.
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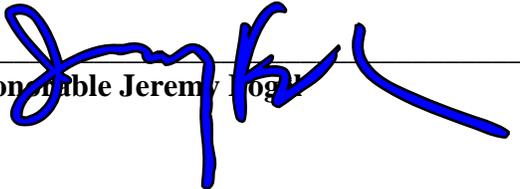
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*Attorneys for Defendant ATT Mobility f/k/a
Cingular Wireless LLC*

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: April 27, 2010



Honorable Jeremy Fogel

1 **PROOF OF SERVICE**

2
3 STATE OF PENNSYLVANIA)

4)ss.:

5 COUNTY OF ALLEGHENY)

6
7 I am employed in the county of Allegheny, Commonwealth of Pennsylvania, I am over the
8 age of 18 and not a party to the within action; my business address is Allegheny Building, 17th Floor,
9 429 Forbes Avenue, Pittsburgh, Pennsylvania 15219.

10 On April 26, 2010, using the Northern District of California’s Electronic Case Filing System,
11 with the ECF ID registered to Joseph N. Kravec, Jr., I filed and served the document(s) described as:

12 **STIPULATION AND PROPOSED CASE MANAGEMENT SCHEDULING**
13 **ORDER AMENDING ORDER ENTERED ON MARCH 22, 2010**

14 The ECF System is designed to automatically generate an e-mail message to all parties in the
15 case, which constitutes service. According to the ECF/PACER system, for this case, the parties
16 served are as follows:

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Attorneys for Defendant

I declare that I am an attorney for Plaintiff admitted *pro hac vice* in this action.

I further declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on April 26, 2010, at Pittsburgh, Pennsylvania 15219.

S/JOSEPH N. KRAVEC, JR.
JOSEPH N. KRAVEC, JR.