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16 Attorneys for Defendant
17 AT&T Mobility LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE APPLE & AT&TM ANTI-TRUST
LITIGATION

Case No. 07-05152-JW

**DECLARATION OF DANIEL A. SASSE
IN SUPPORT OF DEFENDANT AT&T
MOBILITY LLC'S MOTION TO STAY
DISCOVERY PENDING RESOLUTION
OF ITS SOON-TO-BE FILED MOTION
TO COMPEL ARBITRATION**

Date: September 8, 2008
Time: 9:00 a.m.

Honorable James Ware

1 I, Daniel A. Sasse, hereby declare as follows:

2 1. I am a partner with the law firm of Crowell & Moring LLP, and I am one of the
3 attorneys representing defendant AT&T Mobility LLC ("ATTM") in this action. I have personal
4 knowledge of the matters stated herein, and if called upon I could and would testify to their truth.

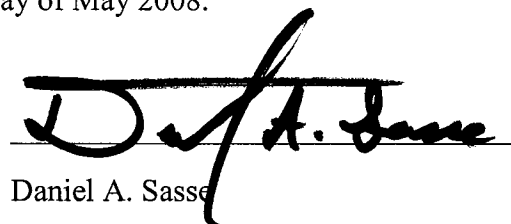
5 2. The Court has not ordered either a Rule 26 Scheduling Conference or Case Man-
6 agement Conference for the plaintiffs' Amended Complaint.

7 3. On May 28, 2008, the parties met and conferred regarding plaintiffs' desire to set
8 a schedule for discovery on the merits. The parties could not agree on whether the Court should
9 continue to stay discovery or schedule a case management conference.

10 4. That same day, plaintiffs' counsel filed a letter requesting that the Court set a
11 schedule for discovery.

12 5. No party to this case has previously requested an extension of the deadlines for
13 discovery. Plaintiffs, ATTM, and defendant Apple, Inc. previously stipulated to an extension of
14 time for the defendants to respond to the complaint in *Holman*, which is one of the cases in this
15 now-consolidated action. See Docket No. 18. ATTM also previously sought an extension of
16 time to respond to the *Holman* complaint, which the Court denied as moot after consolidating
17 *Holman* with the other cases in this action. See Docket No. 36. The parties also previously
18 stipulated to an extension of time for the plaintiffs to file this consolidated amended complaint.
19 See Docket No. 42. The Court vacated that deadline in order to permit the plaintiffs to litigate
20 the selection of interim lead class counsel (see Docket No. 55), and subsequently continued the
21 hearing on motions to disqualify class counsel and appoint interim lead counsel on one occasion
22 (see Docket No. 66).

23
24 I declare under penalty of perjury of the laws of the United States that the foregoing is
25 true and correct. Executed at 9:15 this 30th day of May 2008.

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27 
28 Daniel A. Sasse