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10 Attorneys for Defendant
 AT&T Mobility LLC

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN JOSE DIVISION**

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 17 IN RE APPLE & AT&TM ANTI-TRUST
 18 LITIGATION

Case No. 07-05152-JW

**DEFENDANT AT&T MOBILITY LLC'S
 NOTICE OF MOTION AND MOTION
 TO COMPEL ARBITRATION AND TO
 DISMISS CLAIMS PURSUANT TO THE
 FEDERAL ARBITRATION ACT**

Date: September 12, 2008
 Time: 9:00 a.m

Honorable James Ware

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on September 12, 2008, at 9:00 a.m., pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1–16, defendant AT&T Mobility LLC (“ATTM”) will move and hereby does move this Court for an order compelling plaintiffs Herbert Kliegerman, Paul Holman, Lucy Rivello, Timothy P. Smith, Michael G. Lee, Dennis V. Macasaddu, Mark G. Morikawa, Vincent Scotti, and Scott Sesso to arbitrate their claims or pursue them in small claims court and to dismiss their claims against ATTM.

ATTM brings this motion on the ground that the Federal Arbitration Act, 9 U.S.C. §§ 1–16, requires plaintiffs to pursue their claims in accordance with their arbitration agreements.

This motion is supported by the Memorandum of Points and Authorities, the Declarations of Neal S. Berinhout, Cynthia Hennessy, Richard A. Nagareda, and Kevin Ranlett, all exhibits thereto, and the [Proposed] Order filed concurrently herewith.

DATED: June 27, 2008

/s/ Donald M. Falk
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