

1 Daniel A. Sasse, Esq. (CA Bar No. 236234)
 2 CROWELL & MORING LLP
 3 3 Park Plaza, 20th Floor
 4 Irvine, CA 92614-8505
 Telephone: (949) 263-8400
 Facsimile: (949) 263-8414
 Email: dsasse@crowell.com

5
 6 Donald M. Falk (CA Bar No. 150256)
 7 MAYER BROWN LLP
 8 Two Palo Alto Square, Suite 300
 9 3000 El Camino Real
 Palo Alto, CA 94306-2112
 Telephone: (650) 331-2000
 Facsimile: (650) 331-2060
 Email: dfalk@mayerbrown.com

10 Attorneys for Defendant
 11 AT&T Mobility LLC

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

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

Case No. 07-05152-JW

**[PROPOSED] ORDER COMPELLING
 ARBITRATION AND DISMISSING
 CLAIMS AGAINST AT&T MOBILITY
 LLC**

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

Honorable James Ware

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The Court, having considered Defendant AT&T Mobility LLC's Notice of Motion and Motion to Compel Arbitration and to Dismiss Claims Pursuant to the Federal Arbitration Act, the Memorandum of Points and Authorities, the Declarations of Neal S. Berinhout, Cynthia Hennessy, Richard A. Nagareda, and Kevin Ranlett, and all exhibits thereto, and after hearing arguments of counsel, and finding good cause therefor,

IT IS HEREBY ORDERED THAT:

Plaintiffs Herbert Kliegerman, Paul Holman, Lucy Rivello, Timothy P. Smith, Michael G. Lee, Dennis V. Macasaddu, Mark G. Morikawa, Vincent Scotti, and Scott Sesso shall arbitrate their claims against defendant AT&T Mobility LLC or pursue them in small claims court. The Plaintiffs' claims against AT&T Mobility LLC are dismissed.

DATE: _____

Honorable James Ware