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 12 Attorneys for Defendant
 AT&T Mobility LLC

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

17 PAUL HOLMAN and LUCY RIVELLO,)
 18 individually and on behalf of all others)
 19 similarly situated,)
 20)
 21 Plaintiffs,)
 22)
 23 v.)
 24)
 25 APPLE, INC., AT&T MOBILITY LLC, and)
 26 DOES 1 through 50, inclusive.)
 27)
 28 Defendants)

Case No. 07-CV-05152-JW

**DANIEL A. SASSE’S DECLARATION
 IN SUPPORT OF DEFENDANTS’
 MOTION TO ENLARGE TIME TO
 ANSWER OR OTHERWISE
 RESPOND TO PLAINTIFFS’
 COMPLAINT**

**Date: Not Scheduled
 Time: Not Scheduled
 Judge: Honorable James Ware**

26 I, Daniel A. Sasse, declare as follows:

27 1. I am an attorney licensed to practice in the State of California and I am an



1 attorney of record for AT&T Mobility, LLC (“ATTM”) in the above entitled action. I make this
2 declaration based on my personal knowledge and, if called as a witness by the court, I could and
3 would be competent to testify to the matters set forth below.

4 2. Attached hereto as Exhibit “A” is a true and correct copy of the First Amended
5 Complaint that was filed in the Superior Court of the State of California for the County of Santa
6 Clara on November 2, 2007, entitled Timothy P. Smith; Michael G. Lee, Dennis V. Macasaddu;
7 Mark Morikawa; and Vincent Scotti, on behalf of themselves and all other similarly situated vs.
8 Apple Inc.; AT&T Mobility LLC; and Does One through One Hundred, inclusive, Case No. 1-
9 07-CV-095781.

10 3. Attached hereto as Exhibit “B” is a true and correct copy of Defendant Apple
11 Inc’s (“Apple”) Notice of Removal of the action in Smith from the Superior Court of the State of
12 California for the County of Santa Clara to the Northern District Court of California pursuant to
13 28 U.S.C. §§ 1331, 1332, 1446, and 1453. Defendant ATTM filed a motion to join in this
14 removal on November 7, 2007.

15 4. Attached hereto as Exhibit “C” is a true and correct copy of the Reassignment
16 Order assigning the Smith action to the Honorable Ronald M. Whyte.

17 5. Attached as Exhibit “D” is a true and correct copy of the stipulation extending
18 time between plaintiffs in the Smith action and Defendants Apple and ATTM.

19 6. I contacted Plaintiffs’ counsel, Mr. Max Folkenflik, via email on November 9,
20 2007, requesting Plaintiffs stipulate to a briefing schedule that has the same timing as the
21 briefing schedule in the *Smith* case, Exhibit D. Mr. Folkenflik, via email on November 10, 2007,
22 denied my request to stipulate to a changed briefing schedule. On November 15, 2007, I again
23 emailed Mr. Folkenflik requesting Plaintiffs stipulate to a changed briefing schedule and
24 included a draft of the Defendants’ Motion to Enlarge Time to Answer or Otherwise Respond to
25 Plaintiffs’ Complaint. I also left voice-mails for Mr. Folkenflik on November 15 and 16 with the
26 same request. Mr. Folkenflik denied to stipulate.

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1 I declare under the penalty of perjury under the laws of the United States of America, that
2 the foregoing is true and correct.

3 Executed on the 16^h day of November 2007, at Irvine, California.

4
5 s/ Daniel A. Sasse
6 Daniel A. Sasse, Esq.

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CERTIFICATE OF SERVICE

I, Alice Kelly, declare:

I am a citizen of the United States over the age of 18. I am employed at the law firm of Crowell & Moring LLP, 3 Park Plaza, 20th Floor, Irvine, California 92614-8505. I am not a party to or interested in the causes entitled on the documents to which this certificate of service relates.

I hereby certify that on **November 16, 2007**, I served the document described below as:

DANIEL A. SASSE'S DECLARATION IN SUPPORT OF DEFENDANTS' MOTION TO ENLARGE TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT

on the interested parties in this action by placing a copy thereof, enclosed in a sealed envelope, at Irvine, California, addressed as follows:

SEE ATTACHED SERVICE LIST

- BY REGULAR MAIL.** I caused such envelopes to be deposited in the United States mail, at Irvine, California with postage thereon fully prepaid, individually addressed to the parties as indicated above. I am readily familiar with the firm's practice of collection and processing correspondence in mailing. It is deposited with the United States postal service each day and that practice was followed in the ordinary course of business for the service herein attested to.
- BY FACSIMILE TRANSMISSION.** I caused a true copy of the foregoing document(s) to be transmitted to the party listed above at the facsimile machine telephone number as last given by that person on any document which he or she has filed in this action and served upon this office.
- BY FEDERAL EXPRESS.** I placed a true copy of the foregoing document in a sealed envelope or package designated by Federal Express with delivery fees paid or provided for, individually addressed to the party(s) as indicated on the attached service list, and caused such envelope(s) or package(s) to be delivered at Three Park Plaza, 20th Floor, Irvine, California 92614-8505, to an authorized courier or driver authorized by Federal Express to receive documents for overnight delivery.
- BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the office of First Legal Support Services by hand to the offices of the addressee.
- BY ELECTRONIC MAIL.** I caused a true copy of the foregoing document to be sent via electronic mail in .PDF format, pursuant to agreement between the parties listed on the attached service list.
- FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made.

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

Executed this **16th day of November 2007**, at Irvine, California.

/s/ Alice Kelly
ALICE KELLY

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SERVICE LIST

Paul Holman and Lucy Rivello v. Apple, Inc., AT&T Mobility LLC
 Case No. 07-cv-05152-JW

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