

E-FILED - 4/10/09

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 JOHN M. HIGDON, individually and on
13 Behalf of All Others Similarly Situated,

14 Plaintiffs,

15 v.

16 PACIFIC BELL TELEPHONE COMPANY
17 dba AT&T CALIFORNIA, a California
18 corporation, and DOES 1 through 250,
19 inclusive;

20 Defendants.

Case No. 5:08-cv-03526-RMW

Action Filed: July 23, 2008

Trial Date: None Set

Judge: Hon. Ronald M. Whyte

XXXXXXXXXXXXXXXXX] **ORDER ALLOWING
PLAINTIFFS TO FILE THIRD
AMENDED COMPLAINT**

21 Pursuant to the stipulation of the parties, and good cause appearing, IT IS
22 HEREBY ORDERED as follows:

23 Plaintiffs will file a Third Amended Complaint to rectify deficiencies addressed
24 in Defendant AT&T's Motion to Dismiss the Second Amended Complaint within ten
25 (10) days from the entry of this Order;

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1 Defendant PACIFIC BELL TELEPHONE COMPANY's Motion to Dismiss
2 Plaintiff's Second Amended Complaint, Motion for a More Definitive Statement, and
3 Motion to Strike Improper Allegations set for hearing on May 8, 2009, is off calendar;

4 Defendant PACIFIC BELL TELEPHONE COMPANY reserves the right to
5 answer or otherwise respond to the Third Amended Complaint within twenty (20) days
6 after it is filed.

7 **IT IS SO ORDERED.**

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9 Dated: 4/10/09

By: *Ronald M. Whyte*
United States District Court Judge