1		
2		
3		
4		*E-Filed 9/15/09*
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
10		
11	SAN JOSE DIVISION	
12	JOHN M. HIGDON, individually and on	Case No. 5:08-cv-03526-RS
13	Behalf of All Others Similarly Situated,	Action Filed: July 23, 2008
14	Plaintiffs,	Trial Date: None Set Judge: Hon. Richard Seeborg
15	v.	
16	PACIFIC BELL TELEPHONE COMPANY	ORDER RE FILING OF FOURTH AMENDED COMPLAINT
17	dba AT&T CALIFORNIA, a California corporation, and DOES 1 through 250,	
18	inclusive;	
19	Defendants.	
20		
21		
22	111	
23 24	111	
24 25	///	
23 26	111	
20 27		
28		
	Case No. 5:08-cv-03526-RS - 1	

1	Pursuant to the stipulation of the parties, and good cause appearing, IT IS	
2	HEREBY ORDERED as follows:	
3	1. Defendant's current motion to dismiss shall be taken off calendar, without	
4	prejudice to Defendant's right to file a further motion to dismiss, should it feel	
5	it necessary to do so; and,	
6	2. Plaintiff shall have up to and until October 9, 2009 to file and serve his Fourth	
7 8		
o 9	Amended Complaint. Defendant shall have thirty (30) days therefrom to file	
10	and serve its response thereto.	
11	IT IS SO ORDERED.	
12	21101	
13	Dated: 9/15/09 By: Dishard Sashara Judge	
14	Hon. Richard Seeborg, Judge	
15		
16		
17		
18		
19 20		
20 21		
21		
23		
24		
25		
26		
27		
28		
	<i>Case No. 5:08-cv-03526-RS</i> - 2 -	