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10 Attorneys for Defendants
MOBILEFUNSTER, INC. and FUNMOBILE
11 GAMES, INC.

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

16 MELINDA AMEZCUA, individually and on
behalf of a class similarly situated individuals,

Case No. 5:08-CV-4390-JF

17 Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

18 v.

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20 CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS, a Delaware general partnership,
21 MOBILEFUNSTER, INC. D/B/A
FUNMOBILE, a Delaware corporation,
22 FUNMOBILE GAMES, INC., a Delaware
corporation,

23 Defendants.
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1 WHEREAS this case was initially assigned to Magistrate Patricia Trumbull, and was set
2 for Initial Case Management Conference on January 27, 2009 at 10:00 a.m. (Document No. 3);

3 WHEREAS on November 11, 2008 Magistrate Trumbull issued a Stipulation and Order
4 to Continue Case Management Conference, which moved the Initial Case Management
5 Conference from January 27, 2009 to March 24, 2009 (Docket No. 16);

6 WHEREAS on December 4, 2008 the case was reassigned to the Honorable Jeremy
7 Fogel;

8 WHEREAS the Clerk's Notice of Impending Reassignment vacated the January 27, 2009
9 Case Management Conference before Magistrate Trumbull (which had already been vacated by
10 Docket No. 16) and set the case for a Case Management Conference on January 30, 2009 before
11 Judge Fogel (Docket No. 24);

12 WHEREAS defendants Mobilefunster, Inc. and Funmobile Games, Inc. ("Funmobile
13 Defendants") filed a Notice of Removal with this Court and Plaintiff filed a Motion to Remand,
14 which will be set for hearing on March 13, 2009;

15 WHEREAS the parties believe that the issues to be discussed at the Case Management
16 Conference and the related case management deadlines may become moot if the Court grant's
17 Plaintiff's Motion to Remand;

18 NOW, THEREFORE, based on the foregoing, the parties do hereby stipulate, by and
19 through their counsel of record, to move the Case Management Conference from January 30,
20 2009 to April 24, 2009 at 10:30 a.m., that all related case management deadlines be reset in

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1 accordance therewith, and respectfully request that the Court enter an order reflecting same.

2 Dated: January 12, 2009

DECHERT LLP

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4 By: /s/ Sarah Wager

Sarah Wager
Attorneys for Defendants
MOBILEFUNSTER, INC. and FUNMOBILE
GAMES, INC.

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13 Dated: January 12, 2009

PARISI & HAVENS, LLP

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15 By: /s/ David C. Parisi

David C. Parisi
Attorneys for Plaintiff MELINDA AMEZCUA,
Individually and on behalf of a class of similarly
situated individuals

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18 Dated: January 12, 2009

MORRISON & FOERSTER LLP

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20 By: /s/ Geoffrey Graber

Dan Marmalefsky
Penelope A. Prevolos
Geoffrey Graber
Attorneys for Defendant CELLCO PARTNERSHIP
LLP d/b/a VERIZON WIRELESS

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GENERAL ORDER 45 ATTESTATION

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I, Sarah Wager, am the ECF user whose ID and password are being used to file this

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Stipulation to Continue Case Management Conference. In compliance with General Order 45, I

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1 hereby attest that David Parisi of Parisi & Havens and Geoffrey Graber of Morrison & Foerster
2 have concurred in this filing.

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4 Dated: January 12, 2009

DECHERT LLP

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6 By: /s/ Sarah Wager
Sarah Wager
7 Attorneys for Defendants
MOBILEFUNSTER, INC. and FUNMOBILE
8 GAMES, INC.

9 IT IS SO ORDERED

10 Dated: 1/14/09

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UNITED STATES DISTRICT COURT JUDGE