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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS,
 CAROLYN JEWEL and ERIK KNUTZEN, on
 Behalf of Themselves and All Others Similarly
 Situated,

 Plaintiffs,

 v.

 AT&T CORP., et al.,

 Defendants.

) No. C-06-0672-VRW
)
) **CLASS ACTION**
)
) **[PROPOSED] ORDER DENYING AT&T**
) **CORP.'S MOTION TO DISMISS**
) **PLAINTIFFS' AMENDED COMPLAINT**
) **(DKT 86)**
)
) Courtroom: 6, 17th Floor
) Judge: Hon. Vaughn Walker

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On April 28, 2006, Defendant AT&T Corp. moved (Dkt 86) pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss Plaintiffs' Amended Complaint (Dkt 8) for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Defendant AT&T Inc. joined in this motion.

On June 23, 2006, the motion duly came on for hearing, the Hon. Vaughn R. Walker, United States District Chief Judge, presiding. Having considered AT&T Corp.'s moving and reply papers, Plaintiffs' opposition papers and the oral arguments by counsel, and good cause appearing, Defendants' motion to dismiss is hereby DENIED.

Date: _____

Hon. Vaughn R. Walker
United States District Chief Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 6, 2006, I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have
5 mailed the foregoing document or paper via the United States Postal Service to the following non-
6 CM/ECF participants:

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