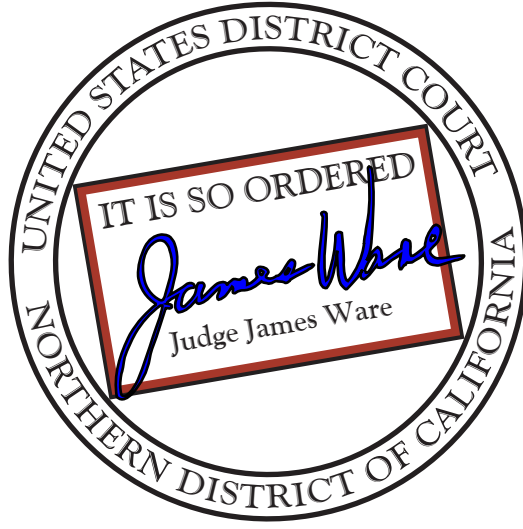


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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CASE NO. 5:09-CV-04854-JW

MAUREEN THOMPSON, an individual,  
on behalf of herself and all others similarly  
situated,

Plaintiffs,

vs.

T-MOBILE USA, INC., a Delaware  
Corporation, DANGER, INC., a Delaware  
Corporation, and MICROSOFT  
CORPORATION, a Washington  
Corporation,

Defendants.

*James Ware*  
**[PROPOSED] ORDER APPOINTING  
PLAINTIFFS' CO-LEAD COUNSEL**

1 ELI MAPSTEAD, on behalf of himself and  
2 for the benefit of all with the common or  
3 general interest, any persons injured, and all  
4 others similarly situated,

5 Plaintiffs,

6 vs.

7 T-MOBILE USA, INC., a Delaware  
8 Corporation, DANGER, INC., a Delaware  
9 Corporation, and MICROSOFT  
10 CORPORATION, a Washington  
11 Corporation,

12 Defendants.

CASE NO. 5:09-CV-04901-JW

13 DERIKA MOSES, an individual, on behalf  
14 of herself and all other persons similarly  
15 situated,

16 Plaintiffs,

17 vs.

18 T-MOBILE USA, INC., a Delaware  
19 Corporation, DANGER, INC., a Delaware  
20 Corporation, and MICROSOFT  
21 CORPORATION, a Washington  
22 Corporation, and DOES 1-10, inclusive,

23 Defendants.

CASE NO. 5:09-CV-05901-JW

24 MARY PEITLER, individually and on  
25 behalf of all others similarly situated,

26 Plaintiffs,

27 vs.

28 T-MOBILE USA, INC., a Delaware  
Corporation,

Defendant.

CASE NO. 5:09-CV-05973-JW

1 LISA MARINARO and NICOLE  
2 MARINO, on behalf of themselves and all  
3 others similarly situated,

4 Plaintiffs,

5 vs.

6 T-MOBILE USA, INC., a Delaware  
7 Corporation, and MICROSOFT  
8 CORPORATION, a Washington  
9 Corporation,

10 Defendants.

CASE NO. 5:09-CV-05974-JW

11 OREN ROSENTHAL, individually and as  
12 the representative of a class of similarly-  
13 situated persons,

14 Plaintiffs,

15 vs.

16 T-MOBILE USA, INC., a Washington  
17 Corporation,

18 Defendants.

CASE NO. 5:09-CV-05975-JW

19 SHANNON DRAKE, an individual, on  
20 behalf of herself and all others similarly  
21 situated,

22 Plaintiffs,

23 vs.

24 T-MOBILE USA, INC., a Delaware  
25 Corporation, MICROSOFT  
26 CORPORATION, a Washington  
27 Corporation, and DANGER, INC., a  
28 subsidiary of MICROSOFT  
CORPORATION,

Defendants.

CASE NO. 5:09-CV-06100-JW

WHEREAS, the above-captioned cases have been found to be related cases pursuant to Civil Local Rule 3-12;

WHEREAS, the parties have agreed that the related cases should be consolidated pursuant to Fed. R. Civ. P. 42(a);

WHEREAS, Plaintiffs, through their counsel of record, have agreed to a leadership structure;

1           WHEREAS, Plaintiffs, in order to efficiently and predictably draft and file a Consolidated  
2 Complaint and handle a multitude of case management issues for the consolidated action in a  
3 short time frame have demonstrated good cause for the usefulness at this time to have a  
4 leadership structure in place;

5           WHEREAS, Defendants do not oppose Plaintiffs' proposal;

6           NOW, THEREFORE, THE COURT ORDERS AS FOLLOWS:

7           1.       The Court appoints the following counsel as Plaintiffs' Co-Lead Counsel, pursuant  
8 to Fed. R. Civ. P. 23(g)(3):

9                   a.   Ira Rothken of the Rothken Law Firm, LLP;

10                   b.   Sherrie R. Savett of Berger & Montague, PC;

11                   c.   Michael J. Aschenbrenner of Edelson McGuire, LLC; and

12                   d.   Samuel H. Rudman of Coughlin Stoia Geller Rudman & Robbins LLP.

13           2.       Co-Lead Counsel shall have day-to-day responsibility for the conduct of the  
14 consolidated action; shall determine how to prosecute the action and shall initiate, coordinate and  
15 supervise the efforts of plaintiffs' counsel in the consolidated action in the areas of discovery,  
16 briefing, trial and settlement.

17           3.       Co-Lead Counsel shall coordinate, initiate and conduct discovery on behalf of  
18 Plaintiffs consistent with the requirements of Fed. R. Civ. P. 26, including preparing joint  
19 interrogatories and requests for production of documents and the examination of witnesses in  
20 depositions; fund the necessary and appropriate costs of discovery and other common benefit  
21 efforts; consult with and employ consultants or experts, as necessary; coordinate settlement  
22 discussions or other ADR efforts on behalf of Plaintiffs, under the supervision of the Court, if and  
23 as appropriate; and enter into stipulations with opposing counsel as necessary for the conduct of  
24 the consolidated action.

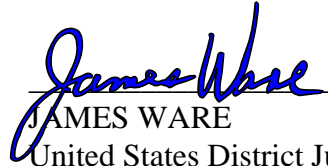
25           4.       Co-Lead Counsel shall designate responsibilities for specific tasks to plaintiffs'  
26 counsel in the consolidated action in a manner to assure that pretrial preparation is conducted  
27 effectively, efficiently and economically; and shall monitor the activities of plaintiffs' counsel to  
28 assure that schedules are met and unnecessary expenditures of time and money are avoided. Co-

1 Lead Counsel shall maintain the official service list of all plaintiffs and plaintiffs' counsel in the  
2 consolidated action, including their addresses. Co-Lead Counsel shall interface with the Court  
3 and shall perform any additional functions that may be assigned to them by the Court.

4 5. The organizational structure of Co-Lead Counsel shall bind all plaintiffs' counsel  
5 in the consolidated action, including plaintiffs' counsel in any subsequently-filed action that is  
6 found to be a related case pursuant to Civil Local Rule 3-12.

7 PURSUANT TO STIPULATION OF THE PLAINTIFFS, IT IS SO ORDERED.

8  
9 Dated: February 4, 2010

  
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JAMES WARE  
United States District Judge

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