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17 **UNITED STATES DISTRICT COURT**  
 18 **NORTHERN DISTRICT OF CALIFORNIA**  
 19 **SAN JOSE DIVISION**

4/13/2010

21  
 22 In re T-MOBILE SIDEKICK LITIGATION

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

23 **STIPULATED REQUEST AND**  
 24 **[PROPOSED] ORDER TO CONTINUE**  
 25 **THE APRIL 26, 2010 CASE**  
 26 **MANAGEMENT CONFERENCE TO**  
 27 **JULY 26, 2010, AND TO EXTEND THE**  
 28 **DEADLINE TO FILE A JOINT CASE**  
**MANAGEMENT STATEMENT FROM**  
**APRIL 16, 2010 TO JULY 19, 2010**

STIPULATED REQUEST AND [PROPOSED] ORDER  
 CASE NO. 5:09-CV-04854-JW

1           WHEREAS, Plaintiffs self organized to transfer five proposed nationwide class actions  
2 brought on behalf of all “Sidekick” cell phone users alleging interruption of data service and data  
3 loss to the Northern District of California from other districts under 28 U.S.C. §§ 1404(a) and  
4 1406(a), and to relate those cases with two others already pending in the Northern District of  
5 California under Civil L.R. 3-12;

6           WHEREAS, Plaintiffs and Defendants T-Mobile USA. Inc., Microsoft Corporation, and  
7 Danger, Inc. stipulated to (1) consolidation of the seven related cases under Fed. R. Civ. P. 42(a),  
8 (2) filing of a Consolidated Complaint by February 19, 2010, to which Defendants had to answer  
9 or otherwise respond by March 19, 2010, and (3) scheduling of a Case Management Conference  
10 in the consolidated action for April 26, 2010, and filing of a Joint Case Management Statement  
11 under Fed. R. Civ. P. 26 and Civil L. R. 16-9 on or before April 16, 2010, and requested that the  
12 Court enter a stipulated proposed order to that effect (“Proposed Order Consolidating Related  
13 Cases And Setting Case Management Conference”);

14           WHEREAS, Plaintiffs agreed that Ira Rothken, Sherrie R. Savett, Michael J.  
15 Aschenbrener, and Samuel H. Rudman should be appointed Co-Lead Counsel with “day-to-day  
16 responsibility for the conduct of the consolidated action” and requested that the Court enter a  
17 stipulated proposed order to that effect (“Proposed Order Appointing Co-Lead Counsel”);

18           WHEREAS, on February 4, 2009, the Court entered the Proposed Order Consolidating  
19 Related Cases And Setting Case Management Conference and the Proposed Order Appointing  
20 Co-Lead Counsel;

21           WHEREAS, on February 19, 2010, Plaintiffs filed their Consolidated Complaint;

22           WHEREAS, on March 19, 2010, Defendants filed answers to the Consolidated  
23 Complaint;

24           WHEREAS, the parties have agreed that, subject to the Court’s approval, the April 26,  
25 2010 Case Management Conference should be continued to July 26, 2010, and the deadline for  
26 filing a Joint Case Management Statement under Fed. R. Civ. P. 26 and Civil L.R. 16-9 should be  
27 extended from April 16, 2010 to July 19, 2010, in support of the parties’ continuing efforts to  
28 manage and move this action forward in the most effective and efficient manner possible;

1 NOW THEREFORE, Plaintiffs and Defendants, through their counsel of record, stipulate  
2 to the following:

3 IT IS HEREBY STIPULATED that, subject to the Court's approval, the Case  
4 Management Conference scheduled for April 26, 2010 at 10:00 a.m. should be continued to July  
5 26, 2010 at 10:00, and the deadline for filing a Joint Case Management Statement under Fed. R.  
6 Civ. P. 26 and Civil L.R. 16-9 should be extended from April 16, 2010 to July 19, 2010.

7  
8 DATED: April 9, 2010

ROTHKEN LAW FIRM

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By:           /s/ Ira P. Rothken            
IRA P. ROTHKEN

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Attorneys for Plaintiff  
ELI MAPSTEAD

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DATED: April 9, 2010

EDELSON MCGUIRE, LLC

By:           /s/ Michael J. Aschenbrener            
MICHAEL J. ASCHENBRENER

Attorneys for Plaintiff  
MAUREEN THOMPSON

BERGER & MONTAGUE, P.C.

By:           /s/ Sherrie R. Savett            
SHERRIE R. SAVETT

Attorneys for Plaintiffs  
LISA MARINARO and NICOLE  
MARINARO

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DATED: April 9, 2010

COUGHLIN STOIA GELLER RUDMAN &  
ROBBINS LLP

By:                   /s/ Samuel H. Rudman                    
                  SAMUEL H. RUDMAN

Attorneys for Plaintiff  
MARY PEITLER

DATED: April 9, 2010

PERKINS COIE LLP

By:                   /s/ Susan D. Fahringer                    
                  SUSAN D. FAHRINGER

Attorneys for Defendant  
T-MOBILE USA, INC.

DATED: April 9, 2010

MUNGER, TOLLES & OLSON LLP

By:                   /s/ Rosemarie T. Ring                    
                  ROSEMARIE T. RING

Attorneys for Defendants  
MICROSOFT CORPORATION AND  
DANGER, INC.

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**ORDER**

The request to continue is DENIED. No good cause for continuance has been stated.  
The case management conference remains on calendar as scheduled for April 26, 2010 at 10:00 AM

SO ORDERED.

Dated: April 13, 2010



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JAMES WARE  
United States District Judge