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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re T-Mobile Sidekick Litigation

NO. C 09-04854 JW

**ORDER SETTING SCHEDULE FOR
CLASS DISCOVERY AND PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

_____ /
This case is scheduled for a Case Management Conference on April 26, 2010. The parties filed a Joint Case Management Statement. (See Docket Item No. 48.) The parties request that the Court bifurcate class and merits discovery. (See *id.* at 3-4.) Upon review of the parties' Statement, the Court finds that a schedule for the case can be set without the necessity of an appearance at this time. Accordingly, the Court VACATES the April 26, 2010 Conference and ORDERS as follows:

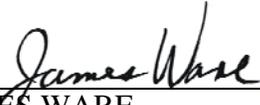
- (1) The Court finds good cause to bifurcate discovery between class and merits.
- (2) All class discovery shall be completed on or before **January 14, 2011**.
- (3) The Court sets a hearing on Plaintiffs' anticipated Motion for Class Certification on **April 11, 2011 at 9 a.m.**¹ Plaintiffs shall notice their Motion in accordance with the Civil Local Rules of the Court.
- (4) The parties shall appear for a Further Case Management Conference on **November 15, 2010 at 10 a.m.** On or before **November 5, 2010**, the parties shall file a Joint Case Management Statement. The Statement shall provide a proposed schedule for

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¹ The parties also request that the Court set a hearing date on Defendants' anticipated motion for summary judgment. (See *id.*) However, in light of the bifurcation of discovery, the Court declines to set a deadline for hearing dispositive motions at this time.

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the close of all merits discovery, update the Court on the progress of class discovery
and inform the Court of any settlement efforts.

Dated: April 21, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: April 21, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy