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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Apple and AT&T iPad Unlimited Data Plan
Litigation

ALL CONSOLIDATED ACTIONS

Case Nos. 5:10-cv-02553 RMW

CLASS ACTION

**STIPULATION AND []
ORDER CONTINUING CLASS
CERTIFICATION BRIEFING
SCHEDULE**

The Hon. Ronald M. Whyte

[N.D. Cal. Civil L.R.6-1]

1
2 Plaintiff Joe Hanna (“Plaintiff Hanna”) and Defendant AT&T Mobility LLC (“ATTM”),
3 by and through their respective attorneys, hereby stipulate as follows:

4 WHEREAS, Plaintiff Hanna and other named plaintiffs in these consolidated actions
5 originally asserted claims against ATTM and Defendant Apple Inc., on behalf of a putative class
6 of consumers;

7 WHEREAS, on July 19, 2011, the Court granted ATTM’s motion to compel arbitration
8 and stay claims against ATTM, as to all of the named plaintiffs except for Plaintiff Hanna
9 (Docket No. 107);

10 WHEREAS, on August 8, 2011, plaintiffs in these consolidated actions filed their First
11 Amended Master Consolidated Complaint (“FAMCC”) (Docket No. 110);

12 WHEREAS, in the FAMCC, Plaintiff Hanna alleges claims against ATTM on behalf of a
13 putative “AT&T Non-Subscriber Class”;

14 WHEREAS, on September 7, 2011, ATTM filed its Answer to the FAMCC (Docket No.
15 121);

16 WHEREAS, on June 26, 2012, the Court denied ATTM’s motion to strike Plaintiff
17 Hanna’s class allegations in the FAMCC, and denied without prejudice ATTM’s motion to deny
18 class certification (Docket No. 142);

19 WHEREAS, pursuant to the Court’s Minute Order dated July 27, 2012 (Docket No. 150),
20 Plaintiff Hanna’s motion for class certification would be due February 15, 2013, ATTM’s
21 opposition would be due March 15, 2013, and Plaintiff Hanna’s reply would be due April 5,
22 2013, and a hearing on the class certification motion would occur on April 19, 2013 at 9:00 a.m.;

23 WHEREAS, Plaintiff Hanna and ATTM have been engaged in productive settlement
24 discussions and have made progress towards a possible resolution of this matter;

25 WHEREAS, Plaintiff Hanna and ATTM agree to continue the current class certification
26 briefing and hearing schedule to permit additional time for settlement discussions;

27 WHEREAS, other than the above class certification briefing and hearing schedule, the
28 stipulated continuance will not alter the date of any other event or deadline already fixed by the
Court;

1
2 THEREFORE, Plaintiff Hanna and ATTM stipulate that the class certification briefing
3 and hearing schedule set forth in the Court's Minute Order dated July 27, 2012 (Docket No. 150)
4 is continued until such revised dates as may later be set by the Court. Either by stipulation or by
5 separate administrative motion, Plaintiff Hanna or ATTM may request that the Court set a new
6 class certification briefing and hearing schedule and/or schedule a further case management
7 conference in this matter.

8
9 IT IS SO STIPULATED.

10
11 Dated: February 8, 2013

MICHAEL W. SOBOL
ROGER N. HELLER
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP

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13
14 By: /s/ Roger N. Heller

15 ROGER N. HELLER

16 Attorneys for Plaintiff Joe Hanna

17 Dated: February 8, 2013

KATHLEEN TAYLOR SOOY
M. KAY MARTIN
JOEL D. SMITH
CROWELL & MORING LLP

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19
20 By: /s/ Kathleen Taylor Sooy

21 KATHLEEN TAYLOR SOOY

22 Attorneys for Defendant
23 ATTM MOBILITY LLC

24
25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Date: _____

27 Ronald M. Whyte
28 Hon. Ronald M. Whyte
United States District Judge