

1 M. Kay Martin (CSB No. 154697)
 mmartin@crowell.com
 2 Joel D. Smith (CSB No. 244902)
 jsmith@crowell.com
 3 CROWELL & MORING LLP
 275 Battery Street, 23rd Floor
 4 San Francisco, CA 94111
 Telephone: 415.986.2800
 5 Facsimile: 415.986.2827

6 Kathleen Taylor Sooy
 ksooy@crowell.com
 7 CROWELL & MORING LLP
 1001 Pennsylvania Avenue, NW
 8 Washington, DC 20004
 Telephone: (202) 624-2500
 9 Facsimile: (202) 628-5116

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10 Attorneys for AT&T Mobility LLC

11
 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

14 ADAM WEISBLATT, JOE HANNA, and
 DAVID TURK, individually and on behalf of
 15 all others similarly situated,

16 Plaintiffs,

17 v.

18 APPLE INC., AT&T MOBILITY LLC,
 and Does 1-10,

19 Defendants.

Case No. 5:10-cv-02553-RMW

CLASS ACTION

**STIPULATION FOR EXTENSION OF
 TIME TO RESPOND TO FIRST
 AMENDED COMPLAINT AND SETTING
 BRIEFING SCHEDULE; []
 ORDER**

[N.D. CAL. CIVIL L.R. 6-1(b)]

1 Plaintiffs Adam Weisblatt, Joe Hanna and David Turk (“Plaintiffs”) and defendant AT&T
2 Mobility LLC (“ATTM”), by and through their respective attorneys, hereby stipulate as follows:

3 WHEREAS, on June 23, 2010, Plaintiffs filed their First Amended Complaint in the
4 above-captioned case;

5 WHEREAS, pursuant to June 30, 2010 and July 29, 2010 stipulations, ATTM’s time to
6 respond to the First Amended Complaint was extended to August 16, 2010;

7 WHEREAS, on August 16, 2010, ATTM filed a Motion To Compel Arbitration And To
8 Dismiss Claims Or, In The Alternative, To Stay The Case (“Motion To Compel”);

9 WHEREAS, the Court denied the Motion To Compel without prejudice on October 18,
10 2010;

11 WHEREAS, under FRCP 12(a)(4)(A), ATTM’s time to respond is November 1, 2010;

12 WHEREAS, ATTM intends to file a motion to dismiss and seeks an extension of time to
13 do so;

14 WHEREAS, Plaintiffs and ATTM desire to agree to a briefing schedule that will permit
15 the parties to have additional time to prepare and file their respective briefs;

16 WHEREAS, the stipulated extension and briefing schedule will not alter the date of any
17 event or deadline already fixed by the Court.

18 THEREFORE, Plaintiffs and ATTM STIPULATE as follows:

19 1. ATTM’s time to move to dismiss is extended up to and including November 16,
20 2010.

21 2. Plaintiffs’ brief in opposition shall be filed no later than December 14, 2010.

22 3. ATTM’s reply brief shall be filed no later than January 4, 2011.

23 4. ATTM’s motion to dismiss shall be heard on January 21, 2011 at 9:00 a.m., or as
24 soon thereafter as may be heard.

25 5. Except as set forth above, all Local Rules shall remain in effect. Entering into this
26 stipulation does not constitute a waiver of any defense under Federal Rule of Civil Procedure 12.

27 IT IS SO STIPULATED.
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Dated: October 27, 2010

CROWELL & MORING, LLP

By: /s/ M. Kay Martin

M. Kay Martin
Attorneys for Defendants
AT&T Mobility LLC

Dated: October 27, 2010

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP

By: /s/ Roger Heller

Roger Heller
Attorneys for Plaintiffs

I, Joel D. Smith, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that concurrence in the filing of the document has been obtained from each of the other signatories.

By: /s/ Joel D. Smith
Joel D. Smith

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[] ORDER

Pursuant to Stipulation, SO ORDERED.



Dated: 11/18/10

The Honorable Judge Ronald M. Whyte
U. S. District Court