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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

13
14 STUART LOGAN, on behalf of himself and
all others similarly situated,

15 Plaintiffs,

16 v.

17 APPLE, INC. and AT&T MOBILITY
18 LLC,

19 Defendants.

Case No. 3:10-cv-02588-CW

**STIPULATION AND ORDER
CONTINUING HEARING TO
OCTOBER 28, 2010, AND SETTING
BRIEFING SCHEDULE ON AT&T
MOBILITY LLC'S MOTION TO COMPEL
ARBITRATION AND TO DISMISS
CLAIMS, OR IN THE ALTERNATIVE, TO
STAY CASE**

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

The Hon. Claudia Wilken

Complaint filed: June 11, 2010

1 Plaintiff Stuart Logan (“Plaintiff”) and defendant AT&T Mobility LLC (“ATTM”), by
2 and through their respective attorneys, hereby stipulate as follows:

3 WHEREAS, on June 11, 2010, plaintiffs filed their Complaint in the above-captioned
4 case;

5 WHEREAS, pursuant to June 30, 2010 and July 28, 2010 stipulations, ATTM’s time to
6 respond to the 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”), which
9 currently is noticed for a hearing on October 14, 2010;

10 WHEREAS, plaintiffs and ATTM desire to continue the hearing date to October 28, 2010
11 and agree to a briefing schedule;

12 WHEREAS, the stipulated briefing schedule will not alter the date of any event or
13 deadline already fixed by the Court.

14 THEREFORE, plaintiff and ATTM STIPULATE as follows:

- 15 1. Plaintiff’s brief in opposition to the Motion to Compel shall be filed no later than
16 October 3, 2010.
- 17 2. ATTM’s reply brief in support of the Motion to Compel shall be filed no later than
18 October 14, 2010.
- 19 3. Except as set forth above, all Local Rules shall remain in effect with respect to the
20 briefing on the Motion to Compel. Entering into this stipulation does not constitute a waiver of
21 any defense under Federal Rule of Civil Procedure 12.

22 IT IS SO STIPULATED.

23 Dated: September 10, 2010

CROWELL & MORING LLP

24

By: /s/ M. Kay Martin

25

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

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1 Dated: September 10, 2010

GREGORY S. WESTON
JACK FITZGERALD
THE WESTON FIRM

3 By: /s/ Gregory S. Weston

4 Gregory S. Weston
Attorneys for Plaintiff

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

11 By: /s/ M. Kay Martin
12 M. Kay Martin

13
14 **ORDER**

15 Pursuant to Stipulation, SO ORDERED.

17 

18 Dated: 9/14/2010

The Honorable Judge Claudia Wilken
U. S. District Court