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16 Attorneys for Defendant
 AT&T Mobility LLC

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

21
 22 STUART LOGAN, on behalf of himself and all
 others similarly situated,
 23
 Plaintiff,
 24
 vs.
 25 APPLE INC. and AT&T MOBILITY, LLC,
 26
 Defendants.
 27
 28

Case No. CV 10-02588-RMW
 STIPULATION REGARDING MOTION
 TO COMPEL ARBITRATION,
 DISCOVERY AND DEFERRAL OF
 RESPONSIVE PLEADING OF AT&T
 MOBILITY LLC; [] ORDER

Honorable Ronald M. Whyte

1 WHEREAS, on June 11, 2010, Plaintiff Stuart Logan filed the complaint in this action
2 (*see* Complaint, Dkt. No. 1);

3 WHEREAS, on October 1, 2010, Defendant AT&T Mobility LLC (“ATTM”) moved to
4 compel arbitration of the Plaintiff’s claims or, in the alternative, to stay the case (*see* Motion to
5 Compel Arbitration, Dkt. No. 32); Plaintiff filed an opposition to the motion on October 15,
6 2010 (*see* Opposition to Motion to Compel Arbitration, Dkt. No. 37); and Defendant filed a reply
7 in support of the motion on October 22, 2010 (*see* Reply, Dkt. No. 38);

8 WHEREAS the Supreme Court has granted certiorari in *AT&T Mobility LLC v.*
9 *Concepcion*, No. 09-893, in order to decide certain issues pertinent to ATTM’s arbitration
10 clause;

11 WHEREAS, on October 18, 2010, the Court denied ATTM’s motion to compel
12 arbitration without prejudice in *Weisblatt v. Apple Inc.*, No. CV 10-02553-RMW, and further
13 denied a complete stay of proceedings while “limit[ing] discovery to written discovery relevant
14 to claims against [co-defendant] Apple pending a decision in *Concepcion*” (*Weisblatt* Order at
15 6-7);

16 WHEREAS, the Court recognized in its October 18, 2010 Order in *Weisblatt* that the
17 plaintiffs’ “claims with respect to ATTM will likely be affected by the Supreme Court’s decision
18 in *Concepcion*,” as “the Supreme Court will speak directly to the class action waiver issue in
19 *Concepcion*” (*Weisblatt* Order at 5-7), and *Concepcion* may similarly affect Logan’s claims with
20 respect to ATTM;

21 WHEREAS, on November 9, 2010, the Supreme Court will hear arguments in
22 *Concepcion*, and the Supreme Court will decide *Concepcion* this Term;

23 WHEREAS, this Court has authority to reschedule proceedings involving ATTM
24 pending the resolution of *Concepcion* (*see* Fed. R. Civ. P. 6(b));

25 WHEREAS, the parties agree that the relief granted by the Court in *Weisblatt* is
26 warranted here; and

27 WHEREAS, the parties agree that the hearing scheduled to address the motion to compel
28

1 arbitration scheduled for November 5, 2010, should be vacated.

2 It is hereby stipulated and ORDERED as follows:

3 1. ATTM's motion to compel arbitration and to dismiss claims or, in the alternative,
4 to stay case is denied without prejudice.

5 2. Discovery shall be limited to written discovery relevant to claims against Apple
6 pending a decision in *Concepcion*.

7 3. ATTM's time to respond to the complaint is extended to December 6, 2010.

8 4. The hearing scheduled for November 5, 2010 is vacated.

9 Dated: November 4, 2010

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10 By: /s/ Donald M. Falk

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11 I, Kevin P. O'Brien, am the ECF user whose ID and password are being used to file this
12 Stipulation Regarding Motion to Compel Arbitration, Discovery and Deferral of Responsive
13 Pleading of AT&T Mobility LLC; [Proposed] Order. In compliance with General Order 45.X.B,
14 I hereby attest that all signatories have concurred in this filing.

15 Dated: November 4, 2010

16 CROWELL & MORING LLP

17 By: /s/ Kevin P. O'Brien
18 Kevin P. O'Brien (CA Bar No. 215148)

19 **ORDER**

20 Good cause appearing, the above stipulation between plaintiff Stuart Logan and
21 defendant AT&T Mobility LLC to defer proceedings in this Court against ATTM pending the
22 resolution of *AT&T Mobility LLC v. Concepcion* is hereby adopted by the Court.

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 DATED this 4. day of November, 2010.

25 

26 Hon. Ronald M. Whyte
27 United States District Court