

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

)	
AVI KOSCHITZKI, on Behalf of Himself)	
and all Others Similarly Situated,)	
)	
Plaintiff,)	
)	Civil Action No. 1:08-CV-04451-JBW-VVP
v.)	
)	
APPLE INC. and AT&T MOBILITY LLC,)	
)	
Defendants.)	
)	

STIPULATION AND [PROPOSED] ORDER

WHEREAS on November 24, 2008, defendants Apple Inc. (“Apple”) and AT&T Mobility LLC (“ATTM”) (collectively, “Defendants”) each separately filed a motion to dismiss the Complaint; Apple filed a motion to strike Plaintiff’s claim for minimum and punitive damages under the New York General Business Law (in which ATTM joined); and ATTM filed a motion, pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1-16, for an order, *inter alia*, compelling Plaintiff to pursue his claims in arbitration or small claims court (collectively, the “Motions”);

WHEREAS on January 8, 2009, plaintiff Avi Koschitzki filed oppositions to the Motions;

WHEREAS, on January 8, 2009, Koschitzki also filed a motion to strike the Declaration of Richard A. Nagareda, which ATTM had submitted in support of its motion to compel arbitration;

WHEREAS, the parties agree that ATTM will file its opposition to Koschitzki's motion to strike by January 26, 2009;

WHEREAS, the parties agree that, in the interest of judicial economy, Koschitzki's motion to strike should be on the same schedule as ATTM's motion to compel arbitration; and

WHEREAS this is the parties' first request for a short extension of time in connection with the briefing of Koschitzki's motion to strike, and the parties' second request for a short extension of time in connection with the briefing of ATTM's motions to compel arbitration and to dismiss and Apple's motion to strike and to dismiss;

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties, that the time for Plaintiff to file his reply in support of his Motion to Strike the Declaration of Nagareda, is hereby extended from February 2, 2009 to February 17, 2009 and the time for Defendants to file their replies in support of their Motions, is hereby extended from January 26, 2009 to February 17, 2009.

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IT IS SO ORDERED.

Dated: _____, 2009
Brooklyn, New York

The Honorable Jack B. Weinstein, U.S.D.J.