

)	
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, INC.,)	
)	
Defendants.)	
)	

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Whereas it is understood that an amended complaint (single or consolidated) will be filed, naming only Apple Inc. and AT&T Mobility LLC as defendants, and will not contain any substantive amendments to the allegations in the presently operative *Sen* and *Koschitzki* complaints, and

Whereas the parties agree that an extension of time is necessary for defendants to prepare their responses to the forthcoming amended complaint,

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties, as follows:

1. The amended complaint in *Koschitzki* or *Sen*, as described above, will be filed on or before November 13, 2008 and will be emailed to defense counsel that same day;
2. The time for defendants Apple Inc. and AT&T Mobility LLC to respond to the amended complaint in *Koschitzki* or *Sen* is hereby extended to November 24, 2008; and
3. Defendants Apple Inc. and AT&T Inc. shall have no obligation to respond to the pending complaint in *Koschitzki*. Plaintiffs shall not be granted a default judgment against

defendants in this case for failure to respond to the complaint.

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Attorneys for Defendant AT&T Inc.

IT IS SO ORDERED.

Dated: _____, 2008
Brooklyn, New York

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