

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

_____)
 Alyce R. Payne, William French, Karen)
 Michaels, and Lorna Harris, on Behalf of)
 Themselves and all Others Similarly)
 Situated,)
)
 Plaintiffs,)
)
 v.)
)
 APPLE INC. and AT&T MOBILITY LLC,)
)
 Defendants.)
 _____)

Civil Action No. 4:09-cv-00042-MHS-DDB

**AGREED MOTION FOR EXTENSION OF TIME
TO MOVE, ANSWER OR OTHERWISE RESPOND
TO THE COMPLAINT IN THIS ACTION**

Apple Inc. and AT&T Mobility LLC, Defendants in the above-entitled and numbered cause, file this Agreed Motion for Extension of Time, stating as follows:

1. On February 3, 2009, Apple Inc. ("Apple") acknowledged receipt of the complaint in this cause and agreed to waive service of summons in exchange for an extension of time to respond to the complaint.
2. Although Plaintiffs have not yet served the complaint on AT&T Mobility LLC ("ATTM"), they have provided ATTM with a copy and requested that ATTM waive service of process. ATTM has agreed that its undersigned counsel will accept service of process on ATTM's behalf in exchange for the extension of time that is requested in this motion.

3. No parties have previously requested the Court to grant an extension of time, and the parties believe that the extension requested herein is warranted under the circumstances.

WHEREFORE, Defendants Apple Inc. and AT&T Mobility LLC respectfully pray that their motion for extension of time be granted and that they be given until April 24, 2009 to move, answer or otherwise respond to the complaint in this action and that they be awarded all other and further relief to which they are entitled.

Respectfully submitted,

**CARRINGTON, COLEMAN, SLOMAN
& BLUMENTHAL**

By: /s/ Tim Gavin

Tim Gavin

Texas State Bar No. 07769800

901 Main St., Suite 5500

Dallas, TX 75202

Phone: (214) 855-3012

Fax: (214) 758-3712

*Attorneys for Defendant AT&T
Mobility LLC*

MORRISON & FOERSTER LLP

By: /s/Don G. Rushing

Don G. Rushing

Texas State Bar No. 24008348

Morrison & Foerster LLP

12531 High Bluff Drive, Suite 100

San Diego, CA 92130-2040

Phone: (858) 720-5145

Fax: (858) 720-5125

Attorneys for Defendant Apple Inc.

AGREED:

CLAXTON & HILL, PLLC

By: /s/ Roger F. Claxton

Roger F. Claxton
State Bar No. 04329000
10000 N. Central Expressway,
Suite 725
Dallas, Texas 75231
214-969-9029
Fax: 214-953-0583

OF COUNSEL:

FARUQI & FARUQI LLP
Nadeem Faruqi
369 Lexington Avenue, 10th Floor
New York, New York 10017
212-983-9330
Fax: 212-983-9331

Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

Counsel for the parties have conferred regarding the relief requested in this motion, and the relief requested is not opposed.

/s/ Tim Gavin
Tim Gavin

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 23, 2009, a true and correct copy of the foregoing has been served on the parties in this case either by ECF notification or by United States First-Class Mail, in accordance with the FEDERAL RULES OF CIVIL PROCEDURE.

/s/ Tim Gavin