

1 HONORABLE RICARDO S. MARTINEZ
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 AT&T MOBILITY LLC,

11 Plaintiff,

No. 2:15-cv-01462-RSM

12 v.

ORDER GRANTING JOINT MOTION
TO EXTEND STAY

13 MARC SAPATIN, SAPATIN NGUYEN
14 ENTERPRISES, INC., SAPATIN
15 ENTERPRISES, INC., NGUYEN LAM,
16 KYRA EVANS, PRASHANT VIRA, SWIFT
17 UNLOCKS, INC. and JOHN DOES 1-50,
18 United States individuals and entities,

NOTING DATE: May 28, 2021

19 Defendants.

20 This matter came on for hearing upon the Joint Motion to Extend Stay submitted by the
21 parties.

22 Having considered the motion, the Court continues the current stay of the case, subject
23 to the following conditions:

24 a. AT&T may only seek relief from the stay or case closure as to a currently named
25 Defendant if restitution is not adjudicated in the related criminal proceedings referenced above.

26 AT&T's right to seek relief from the stay or case closure in order to seek leave to amend the

ORDER GRANTING CONSENT MOTION TO
EXTEND STAY- 1
Case No. 2:15-cv-01462-RSM

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 Complaint to name additional defendants, however, shall not be restricted by this Order.

2 b. AT&T shall promptly dismiss with prejudice all claims against each Defendant
3 whose criminal proceeding is final and has resulted in AT&T having the opportunity to request
4 restitution against that Defendant.

5 c. For the avoidance of confusion, such dismissal shall occur no later than ten (10)
6 days after AT&T is notified that a guilty plea has been entered that affords AT&T the
7 opportunity to request restitution against that particular Defendant and a sentence against that
8 particular Defendant has been entered.

9 d. If a related criminal proceeding has not yet resulted in the adjudication of
10 restitution as to a particular Defendant by the time a temporary stay of proceedings expires, the
11 remaining Parties shall stipulate to an additional stay or closure of this case, subject to approval
12 by the Court, under the same terms as set forth herein.

13 e. AT&T shall not pursue claims against a remaining Defendant unless AT&T is
14 denied the opportunity to request restitution in that Defendant's criminal case.

15 f. AT&T's dissatisfaction with the amount of restitution awarded against a
16 particular Defendant, or a criminal court's decision not to award any restitution to AT&T, shall
17 not provide AT&T with a basis to pursue claims against that Defendant.

18 g. AT&T will report to the Court by no later than December 15, 2021 regarding
19 the current status of all federal criminal investigations into the Defendants and whether there
20 are grounds that would warrant allowing the case to remain open.

1 DATED this 1st day of June, 2021.
2
3

4 

5 RICARDO S. MARTINEZ
6 CHIEF UNITED STATES DISTRICT JUDGE
7
8
9

10 Presented by:

11 /s/ David A. Bateman

12 David Bateman, WSBA #14262
13 K&L GATES LLP
14 925 Fourth Avenue, Suite 2900
15 Seattle, WA 98104-1158
16 Phone: (206) 370-6682
17 david.bateman@klgates.com

18 David L. Balsler, Georgia Bar No. 035835
19 (*pro hac vice application forthcoming*)
20 Lawrence A. Slovinsky, GA Bar No. 653005
21 (*pro hac vice application forthcoming*)
22 Edward A. Bedard, GA Bar No. 926148
23 (*pro hac vice application forthcoming*)
24 KING & SPALDING LLP
25 1180 Peachtree St. NE
26 Atlanta, Georgia 30309-3521
Tel: (404) 572-4600
Fax: (404) 572-5100

Counsel for Plaintiff
AT&T Mobility LLC

ORDER GRANTING CONSENT MOTION TO
EXTEND STAY- 3
Case No. 2:15-cv-01462-RSM

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022