

1 R. James George, Jr.
Texas Bar No. 07810000
2 Douglas Brothers
Texas Bar No. 03084500
3 **GEORGE & BROTHERS, L.L.P.**
1100 Norwood Tower
4 114 W. 7th Street
Austin, Texas 78701
5 Telephone: (512) 495-1400
Facsimile: (512) 499-0094
6 rjgeorge@georgeandbrothers.com
INTERIM CLASS COUNSEL
7 FOR CINGULAR SUBSCRIBER CLASS

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 In re:

12 NATIONAL SECURITY AGENCY
13 TELECOMMUNICATIONS RECORDS
14 LITIGATION

MDL Dkt. No. 06-1791-VRW

**STIPULATION REGARDING FIRST
AMENDED MASTER COMPLAINT
AGAINST CINGULAR**

15 This Document Relates To:

16 06-5452-VRW
17 06-6222-VRW
06-6224-VRW
18 06-6253-VRW
06-6254-VRW
19 06-6570-VRW
07-0464-VRW
20 07-2538-VRW

[Civil L.R. 6-2, 7-1(5), 7-12]

Courtroom: 6, 17th Floor
Judge: Hon. Vaughn R. Walker

21
22 **RECITALS**

23 A. On November 17, 2006, this Court held a MDL Case Management
24 Conference where, *inter alia*, it was ordered that Plaintiffs would file master consolidated
25 complaints against various defendant groups including against the Cingular Entities.

26 B. On January 16, 2007, the Plaintiffs filed consolidated complaints against the
27 Cingular Entities.

1 C. In furtherance of judicial economy, the plaintiffs' counsel for the subscribers
2 to the Cingular Wireless LLC (now known as AT&T Mobility LLC), New Cingular
3 Wireless Services, Inc., and Cingular Wireless Corporation (now known as AT&T Mobility
4 Corporation) (collectively, the "Cingular Entities"), and the Cingular Entities stipulated to
5 stay all proceedings against the Cingular Entities pending the final adjudication of all
6 appeals of the *Hepting* Ruling, including disposition of any petition for certiorari to the
7 United States Supreme Court, without any prejudice to the rights of any party. This Court
8 granted the stay on February 22, 2007.

9 D. Plaintiffs' counsel for the subscribers to the Cingular Entities wishes to file a
10 First Amended Consolidated Master Complaint against the Cingular Entities purely for the
11 administrative purposes of dismissing one of the class representatives who no longer wishes
12 to be a class representative, and explicitly incorporating claims brought in *Jacobs et al. v.*
13 *AT&T Corp. et al.*, (MDL Case No. 07-2538). *Jacobs* was transferred to this Court
14 subsequent to the filing of the consolidated complaint and this Court's issuance of a stay.
15 Counsel for the Cingular Entities does not object to the filing of this amended complaint.

16 **STIPULATION**

17 The plaintiffs' counsel for the subscribers to the Cingular Entities and the Cingular
18 Entities hereby stipulate as follows:

19 1. Should it please the Court, the stay ordered by the Court be temporarily
20 lifted for the sole purpose of the filing of the First Amended Consolidated Master
21 Complaint against the Cingular Entities in order to dismiss Brian Bradley as a class
22 representative and, for the sake of efficiency and judicial administration, to incorporate
23 claims against Cingular Entities brought in *Jacobs et al. v. AT&T Corp. et al.*, (MDL Case
24 No. 07-2538).

25 2. Notwithstanding the filing of a First Amended Consolidated Master
26 Complaint against the Cingular Entities, the stipulated stay granted on February 22, 2007
27 will otherwise remain in effect.

28 //

1 //

2 **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

3 I, R. JAMES GEORGE, hereby declare pursuant to General Order 45, § X.B, that I
4 have obtained the concurrence in the filing of this document from each of the other
5 signatories listed below.

6 I declare under penalty of perjury that the foregoing declaration is true and correct.

7 Executed on July 3, 2008, at Austin, Texas.

8

/s/ R. James George, Jr.

9

10

Dated: July 3, 2008.

11

12

GEORGE & BROTHERS
R. JAMES GEORGE, JR.
D. DOUGLAS BROTHERS
1100 Norwood Tower
114 W. 7th Street
Austin, TX 78701
Tel: (592) 495-1400
Fax: (592) 499-0094

13

14

15

16

By /s/ R. James George, Jr.
R. James George Jr.
Interim Class Counsel for the Cingular Subscriber
Class

17

18

19

20

21

22

23

24

25

26

27

28

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court orders the following:

1. The stay ordered by this Court on February 22, 2007 be temporarily lifted for the sole purpose of the filing of the First Amended Consolidated Master Complaint against the Cingular Entities in order to dismiss Brian Bradley as a class representative and, for the sake of efficiency and judicial administration, to incorporate claims against Cingular Entities brought in *Jacobs et al. v. AT&T Corp. et al.*, (MDL Case No. 07-2538).

2. Notwithstanding the filing of a First Amended Consolidated Master Complaint against the Cingular Entities, the stay entered into on February 22, 2007 will remain in effect for all other purposes.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July __, 2008.

Hon. Vaughn R. Walker
United States District Chief Judge