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**FILED**  
ALAMEDA COUNTY

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Members of Plaintiffs' Executive Committee for  
Early Termination Fee Claims

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA

In re:  
CELLPHONE TERMINATION FEE CASES,

JCCP No. 4332  
Class Action

This Document Relates To:  
Early Termination Fee Claims Against the Sprint  
Defendants

**PROPOSED ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
CERTIFICATION OF SUBSCRIBER  
CLASS**

1 Plaintiffs' motion for certification of the Subscriber Class in the early termination fee case  
2 against defendants Sprint Spectrum, L.P., Wirelessco L.P. and Sprint PCS (collectively "Sprint") in  
3 this coordinated proceeding came on regularly for hearing on June 1, 2006 in Department 22 of this  
4 Court before the Honorable Ronald M. Sabraw. On June 9, 2006, the Court denied plaintiffs'  
5 motion for certification of the Subscriber Class. Plaintiffs subsequently appealed the Court's order  
6 and, on June 9, 2008, the Court of Appeal reversed the Court's order and held that the Court should  
7 have certified the Subscriber Class.

8 NOW THEREFORE, the Court orders as follows:

9 1. Plaintiffs' motion for certification of the Subscriber Class in the Sprint early  
10 termination fee case is GRANTED.

11 2. The Subscriber Class is defined as "all persons who are parties to a Sprint customer  
12 agreement with a flat early termination fee for a personal cell phone account with a California area  
13 code and a California billing address."

14 3. Pursuant to California Rule of Court 3.766(c), the Court will enter a separate order  
15 regarding whether notice to class members is necessary, whether class members may exclude  
16 themselves from the action, the time and manner of notice, the content of the notice and the parties  
17 responsible for the cost of notice.

18 IT IS SO ORDERED.

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20 Dated: December 19, 2008

  
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22 Judge Winifred Smith  
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