

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE AIRGATE PCS, INC.
SECURITIES LITIGATION

)
)
) CIVIL ACTION NO.
) 1:02-CV-1291-JOF
)
)

**NOTICE OF SETTLEMENT
AND WITHDRAWAL OF PENDING MOTIONS**

The parties to the above-captioned litigation have reached an agreement as to all material terms of settlement. As anticipated in the joint motion filed on September 14, 2006, the last remaining issue, namely provisions related to the cost of settlement notice, has now been resolved. The parties will now prepare a stipulation of settlement and accompanying exhibits for submission to the Court, and plaintiffs will prepare and submit a motion for preliminary approval of the proposed settlement.

As part of the stipulation of settlement, the parties will stipulate to the certification of a settlement class, subject to Court approval, and also contingent on the Court's approval of the proposed settlement. For that reason, the Plaintiffs hereby wish to withdraw, without prejudice (in the event the settlement does not

become final), their pending Motion for Class Certification, *see* Docket Entry (“DE”) 82, and their pending Motion to Compel Production of Documents, *see* DE 98.

Respectfully submitted:

DATED: September 29, 2006

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2006, copies of the foregoing Notice of Settlement and Withdrawal of Pending Motions was electronically filed with the Clerk of Court on the CM/ECF system, which will automatically notify all counsel of record of such filing, consistent with Local Rule 5.1.

/s/ Jason J. Mendro

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