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 APPLE INC.

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UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

ALEX TOMEK, an individual and on behalf of all  
 others similarly situated,

Plaintiffs,

v.

APPLE INC., a California corporation, and DOES  
 1 through 20,

Defendants.

Case No. 2:11-cv-02700-MCE-DAD

**STIPULATION AND  
 [PROPOSED] ORDER  
 EXTENDING APPLE INC.'S  
 DEADLINE TO FILE ITS  
 REPLY IN SUPPORT OF ITS  
 MOTION TO DISMISS THE  
 THIRD AMENDED  
 COMPLAINT**

Date: May 30, 2013  
 Time: 2:00 p.m.  
 Ctrm: 7

Hon. Morrison C. England, Jr.

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**WHEREAS**, Plaintiff Alex Tomek filed a Third Amended Complaint (“TAC”) on February 19, 2103;

**WHEREAS**, Defendant Apple Inc. file a motion to dismiss the TAC on March 22, 2013;

**WHEREAS**, Plaintiff filed his opposition to the motion to dismiss on April 19, 2013;

**WHEREAS**, Apple’s reply brief is currently due April 29, 2013;

**WHEREAS**, the hearing date on Apple’s motion to dismiss is May 30, 2013;

**WHEREAS**, Apple requires additional time to prepare its reply brief and for client review;

**THE PARTIES TO HEREBY AGREE AND STIPULATE AS FOLLOWS:**

1. Apple’s deadline to file its reply in support of its motion to dismiss the TAC shall be extended from April 29, 2013 to May 2, 2013;
2. The hearing date on Apple’s motion shall remain May 30, 2013.

Dated: April 26, 2013

PENELOPE A. PREOVOLOS  
ANDREW D. MUHLBACH  
ALEXEI KLESTOFF  
MORRISON & FOERSTER LLP

/s/ Penelope A. Preovolos  
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*Attorneys for Defendant*  
APPLE INC.

Dated: April 26, 2013

ANTHONY A. FERRIGNO  
LAW OFFICES OF ANTHONY A. FERRIGNO  
  
JACK T. HUMES  
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/s/ Jack T. Humes (authorized on 4/26/13)  
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ALEX TOMEK

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**ORDER**

The deadline for defendant Apple Inc. to file its reply in support of its motion to dismiss the Third Amended Complaint is hereby extended from April 29, 2013 to May 2, 2013. The hearing date on Apple's motion shall remain May 30, 2013.

IT IS SO ORDERED.

DATE: April 30, 2013



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MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT