

1 PENELOPE A. PREOVOLOS (CA SBN 87607)
 (PPreovolos@mof.com)
 2 ANDREW D. MUHLBACH (CA SBN 175694)
 (AMuhlbach@mof.com)
 3 HEATHER A. MOSER (CA SBN 212686)
 (HMoser@mof.com)

4 MORRISON & FOERSTER LLP
 5 425 Market Street, 32nd Floor
 San Francisco, California 94105-2482
 6 Telephone: 415.268.7000
 Facsimile: 415.268.7522

7 Attorneys for Defendant
 8 APPLE INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

13 JAMES R. PITTMAN, on behalf of himself and
 all others similarly situated,
 14
 Plaintiff,
 15
 v.
 16 APPLE INC., a California Corporation
 17
 Defendant.
 18

Case No. C-08-05375 JW

CLASS ACTION

**NOTICE OF FILING OF MOTION
 TO TRANSFER PURSUANT TO
 28 U.S.C. § 1407**

Courtroom: Courtroom 8, 4th Floor
 The Honorable James Ware

Date Action Filed: November 26, 2008

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1 TO THE CLERK OF THIS COURT AND TO ALL PARTIES AND THEIR
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on March 5, 2009, pursuant to 28 U.S.C. § 1407, Apple
4 submitted for filing with the Judicial Panel on Multidistrict Litigation a motion for transfer and
5 consolidation of this and eleven similar actions. Copies of the motion and supporting documents
6 are attached hereto as Exhibits A, B, C, and D.

7 Defendant Apple Inc. files this Notice pursuant to Rule 5.12(c) of the Rules of the Judicial
8 Panel for the purpose of informing the Court of the pendency of the proceedings before the MDL
9 Panel and will keep the Court informed of further developments.

10 Dated: _ March 5, 2009

PENELOPE A. PREVOLOS
ANDREW D. MUHLBACH
HEATHER A. MOSER
MORRISON & FOERSTER LLP

14 By: /s/ Penelope A. Prevolos
Penelope A. Prevolos

16 Attorneys for Defendant
APPLE INC.

1 **CERTIFICATE OF SERVICE BY OVERNIGHT DELIVERY**
2 (Fed. R. Civ. Proc. rule 5(b))

3 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address
4 is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause;
5 I am over the age of eighteen years; and I am readily familiar with Morrison & Foerster's practice
6 for collection and processing of correspondence for overnight delivery and know that in the
7 ordinary course of Morrison & Foerster's business practice the document described below will be
8 deposited in a box or other facility regularly maintained by UPS or delivered to an authorized
9 courier or driver authorized by UPS to receive documents on the same date that it is placed at
10 Morrison & Foerster for collection.

11 I further declare that on the date hereof I served a copy of:

12 **NOTICE OF FILING OF MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1407**
13 **and CERTIFICATE OF SERVICE**

14 **MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED APPLE iPHONE**
15 **3G PRODUCTS LITIGATION PURSUANT TO 28 U.S.C. § 1407**

16 **MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR TRANSFER AND**
17 **CONSOLIDATION OF RELATED APPLE iPHONE 3G PRODUCTS LITIGATION**
18 **PURSUANT TO 28 U.S.C. § 1407**

19 **SEPARATE STATEMENT OF REASONS WHY ORAL ARGUMENT SHOULD BE**
20 **HEARD IN SUPPORT OF MOTION FOR TRANSFER AND CONSOLIDATION OF**
21 **RELATED APPLE iPHONE 3G PRODUCTS LITIGATION PURSUANT TO 28 U.S.C.**
22 **§ 1407**

23 **PROOF OF SERVICE**

24 on the following by placing a true copy thereof enclosed in a sealed envelope with delivery fees
25 provided for, addressed as follows for collection by UPS at Morrison & Foerster LLP, 425 Market
26 Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary
27 business practice.

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See attached Service List

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 5th day of March, 2009.

Tina Armaz
(typed)

/s/ Tina Armaz
(signature)

ATTESTATION OF E-FILED SIGNATURE

I, Penny Preovolos, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Tina Armaz has read and approved this Proof of Service and consents to its filing in this action.

Dated: March 5, 2009.

MORRISON & FOERSTER LLP

/s/ Penny Preovolos
Penny Preovolos

Service List

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Alan Mansfield
ROSNER & MANSFIELD, LLP
10085 Carroll Canyon Rd., Suite 100
San Diego, CA 92131

*Attorneys for the Ashikian, Gillis, Keller,
Medway, Pittman, Tanseco, and Walters
Plaintiffs*

William J. Doyle II
John A. Lowther IV
DOYLE LOWTHER, LLP
9466 Black Mountain Rd., Suite 210
San Diego, CA 92126

*Attorneys for the Gillis, Keller, and Walters
Plaintiffs*

David W. Hiden
Michael I. Rott
Eric M. Overholt
HIDEN, ROTT & OERTLE, LLP
2635 Camino del Rio South, Suite 306
San Diego, CA 92108

Attorneys for the Gillis and Keller Plaintiffs

Joe R. Whatley, Jr.
WHATLEY DRAKE & KALLAS LLC
1540 Broadway, 37th Floor
New York, NY 10036

Attorneys for Plaintiff Walters

Adam Plant
WHATLEY DRAKE & KALLAS LLC
2100 Park Place North, Suite 1000
Birmingham, AL 35203

Attorneys for Plaintiff Walters

Scott E. Poynter
Christopher D. Jennings
Gina M. Dougherty
Ryan J. Caststeel
EMERSON POYNTER, LLP
The Museum Center
500 President Clinton Ave., Ste. 305
Little Rock, AR 72201

Attorneys for Plaintiff Walters

John G. Emerson
EMERSON POYNTER, LLP
830 Apollo Lane
Houston, TX 77058

Attorneys for Plaintiff Walters

Samuel P. Sporn
Frank R. Schirripa
Daniel B. Rehns
Jay P. Saltzman
SCHOENGOLD SPORN LAITMAN &
LOMETTI, P.C.
19 Fulton Street, Suite 406
New York, NY 10038

Attorneys for Plaintiff Tanseco

Gordon M. Fauth, Jr.
LITIGATION LAW GROUP
1801 Clement Avenue, Suite 101
Alameda, CA 94501

Attorneys for Plaintiff Pittman

Daniel T. LeBel
Rosemary M. Rivas
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco 94104

Attorneys for Plaintiff Ashikian

1 Burton H. Finkelstein
Mila F. Bartos
2 Karen J. Marcus
FINKELSTEIN THOMPSON LLP
3 1050 30th Street NW
Washington, D.C. 20007

4 *Attorneys for Plaintiff Ashikian*
5

6 David Joshua Staub
Law Office of D. Joshua Staub
7 PO Box 1914
Santa Monica, CA 90406

8 *Attorneys for Plaintiff Ashikian*
9

10 Lionel Z. Glancy
Peter Arthur Binkow
11 Mark L. Godino
GLANCY BINKOW & GOLDBERG LLP
12 1801 Avenue of the Stars, Suite 311
Los Angeles, CA 90067

13 *Attorneys for Plaintiff Medway*
14

15 W. Lewis Garrison, Jr.
Brian D. Hancock
16 Gayle L. Douglas
HENINGER GARRISON DAVIS, LLC
17 2224 First Avenue North
Birmingham, AL 35203

18 *Attorneys for the Smith Plaintiffs*
19

20 Haydn M. Trechsel
Edward S. Reisinger
21 Jonathan Lee Kudulis
TRIMMIER LAW FIRM
22 2737 Highland Avenue
Birmingham, AL 35205

23 *Attorneys for the Smith Plaintiffs*
24

25

26

27

28

Seth D. Rigrotsky
Brian D. Long
Mark S. Reich
Joseph Russello
RIGRODSKY & LONG, P.A.
919 North Market Street, Suite 980
Wilmington, DE 19801

Attorneys for Plaintiff Koschitzki

Joshua Farkas
STEIN FARKAS & SCHWARTZ LLP
1639 East 13th Street
Brooklyn, New York 11229

Attorneys for Plaintiff Koschitzki

Nadeem Faruqi
FARUQI & FARUQI LLP
369 Lexington Avenue, 10th Floor
New York, New York 10017

*Attorneys for the Gonzalez, Payne, and
Ritchie Plaintiffs*

Emily C. Komlossy
FARUQI & FARUQI LLP
3595 Sheridan Street, Suite 206
Hollywood, FL 33021

Attorneys for the Gonzalez Plaintiffs

Roger F. Claxton
CLAXTON & HILL, PLLC
10000 N. Central Expressway,
Suite 725
Dallas, Texas 75231

Attorneys for the Payne Plaintiffs

Joseph J. DePalma, Esq.
Jennifer Sarnelli, Esq.
LITE DEPALMA GREENBERG &
RIVAS, LLC
Two Gateway Center
12th Floor
Newark, NJ 07102

Attorneys for Plaintiff Ritchie

1
2
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28

Lynn E. Parseghian
Kathleen T. Sooy
CROWELL & MORING LLP
1001 Pennsylvania Ave
Washington, DC 20004

Attorneys for Defendant AT&T Mobility LLC

Steven David Greenblatt
CROWELL & MORING LLP
153 E 53rd St
New York, NY 10022

Attorneys for Defendant AT&T Mobility LLC

Evan M. Tager
Archis A. Parasharami
Kevin Ranlett
MAYER BROWN LLP
1909 K Street Nw
Washington, DC 20006

Attorneys for Defendant AT&T Mobility LLC

Alvin Davis
Tania Cruz
SQUIRE SANDERS & DEMPSEY LLP
200 S Biscayne Boulevard, 40th Floor
Miami, FL 33131-2398

Attorneys for Defendant AT&T Mobility LLC

Timothy Francis Gavin
CARRINGTON COLEMAN SLOMAN &
BLUMENTHAL
901 Main Street, Suite 5500
Dallas, TX 75202

Attorneys for Defendant AT&T Mobility LLC