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6 Attorneys for Individual and  
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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

11 JAMES R. PITTMAN, on behalf	) Case No. C 08-05375 JW
12 of himself and all others similarly situated,	) Case No. C 09-01028 RS
	)
13 Plaintiff,	)
14 v.	) <b>ADMINISTRATIVE MOTION TO</b>
	) <b>CONSIDER WHETHER CASES SHOULD</b>
15 APPLE, INC., a California Corporation,	) <b>BE RELATED</b>
	) <b>ORDER RELATED CASES</b>
16 Defendant	)

17  
 18 TO DEFENDANT AND ITS ATTORNEYS OF RECORD, THE UNITED STATES DISTRICT  
 19 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, AND ALL OTHER  
 20 INTERESTED PERSONS:

21 **PLEASE TAKE NOTICE THAT** Plaintiff James R. Pittman submits this administrative  
 22 motion to consider whether cases should be related pursuant to Northern District Local Rule 3-  
 23 12. The following pending action is related to the present action - *Pittman v. Apple, Inc.*, Case  
 24 No. C 08-05375 JW - within the meaning of Local Rule 3-12(a):

25 (1) *Smith v. Apple Inc., et al.*, Case No. C09-01028 RS, filed in the United States  
 26 District Court for the Northern District of Alabama on August 19, 2008, and transferred to the  
 27 Northern District of California, San Jose Division, on March 12, 2009.

1 The two actions concern substantially the same parties, property, transaction or event,  
2 within the meaning of Local Rule 3-12(a)(1). The cases are both putative nation-wide class  
3 actions brought against the same defendant - Apple, Inc. - on behalf of users of the Apple iPhone  
4 3G. Both complaints allege that the iPhone 3G was defective when used as intended and that,  
5 contrary to representations made, it did not provide reliable 3G data speeds or functionality, and  
6 subjected users to poor performance and inordinate numbers of dropped calls. Pursuant to Local  
7 Rule 3-12(a)(2), it appears likely that there will be an unduly burdensome duplication of labor  
8 and expense or conflicting results if the cases are conducted before different Judges.

9 Therefore, the cases should be ordered related.

10 Respectfully submitted,

11 **LITIGATION LAW GROUP**

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13  
14 Date: March 20, 2009

By: /S/ Gordon M. Fauth, Jr.  
Gordon M. Fauth, Jr.

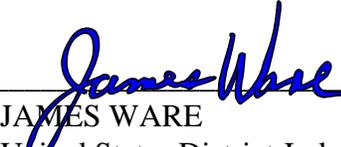
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19 Plaintiff James R. Pittman

20 **\*\*\* ORDER \*\*\***

21 The Court finds C 09-1028 RS related to C 08-5375 JW within the meaning of Civ. L.R.  
22 3-12. Accordingly, the Clerk shall relate the cases. Counselors are instructed that all future  
23 filings in any reassigned case are to bear the initials of the newly assigned judge immediately  
24 after the case number.

25 Dated: April 2, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge