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 APPLE INC.

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

13 CHARLENE GALLION, on behalf of herself and
 14 all others similarly situated,

15 Plaintiff,

16 v.

17 APPLE INC., a California corporation, and DOES
 18 1-100, inclusive,

19 Defendants.

Case No. CV 10-01610-RS

CLASS ACTION

**ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**

Judge Richard Seeborg, Courtroom 3
 Complaint Filed: April 15, 2011
 Trial Date: None Set

1 Pursuant to a joint stipulation filed herewith, defendant Apple Inc. (“Apple”) hereby
2 moves pursuant to Local Rule 3-12 for a determination that this first-filed action, *Charlene*
3 *Gallion v. Apple Inc.*, Northern District of California, San Francisco Division, Case No. CV 10-
4 01610-RS (“*Gallion*”), is “related” to a later-filed action, *Calix v. Apple Inc.*, Northern District of
5 California, Oakland Division, Case No. CV 10-05895-DMR (transferred Dec. 27, 2010)
6 (“*Calix*”).

7 The nature of the relationship between this first-filed action and the subsequently-filed
8 *Calix* action is that: (1) the cases both assert substantially similar claims against the same
9 defendant, Apple; (2) the putative classes in both actions substantially overlap; and (3) both cases
10 require determination of the same or substantially similar questions of fact and law. Specifically,
11 each action focuses on (i) whether the Liquid Contact Indicators (“LCIs”) in Apple’s iPhone and
12 iPod products are a reliable indicator of liquid damage; and (ii) whether Apple’s warranty policies
13 concerning the LCIs are reasonable or appropriate.¹ Indeed, substantial portions of the *Calix*
14 complaint appear to be essentially identical to the *Gallion* complaint.

15 Due to their similarity, if not treated as related, these cases are likely to require substantial
16 duplication of labor and expense and present a potential danger of inconsistent rulings regarding
17 the same issues of law. Given the closely related nature of each of these cases, the treatment of
18 these actions as related would serve the interests of judicial economy and avoid the potential for
19 conflicting rulings.

20 Accordingly, Apple asks this Court to enter an order relating the later-filed *Calix* action to
21 this first-filed action.

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27 ¹ Apple does not concede the truth any of these factual allegations or that certification of
28 the putative classes is proper under Federal Rule of Civil Procedure 23.

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Dated: January 12, 2011

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