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Attorneys

March 21, 2011

BY CM/ECF

The Honorable Richard Seeborg
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: *Gallion v. Apple, Inc.*, No. 10-cv-1610
Corsi v. Apple, Inc., No. 10-cv-3316
Calix v. Apple, Inc., No. 10-cv-5895**

Dear Judge Seeborg:

My office represents Plaintiff Charlene Gallion and we have been appointed to serve as interim co-lead class counsel in the above-titled cases, together with Steven Schwartz, counsel for Plaintiff Christopher Corsi. I am writing in the hope the Court can help solve a problem that affects the case management conference (“CMC”) that is scheduled to take place at 10:00 a.m. on Thursday, March 24, 2011.

During the previous CMC, Your Honor advised the parties to be prepared to discuss a schedule for a number of key aspects of the litigation, including the motion for class certification, during the March 24 CMC. Given the importance of that discussion, we believe it is imperative that both co-lead class counsel participate in the CMC.

After the March 24 CMC was scheduled, the defendants in an unrelated case announced that the corporate designee whose deposition we had been seeking for several months and whose availability is limited would be available for deposition in Los Angeles on March 24 and 25. Because discovery in that case has proven to be inordinately difficult (so much so that the depositions are scheduled to be conducted in the jury room), my partner, Jeffrey Fazio, and I agreed to travel to Los Angeles to conduct the depositions on those dates, believing that we would be able to appear at the March 24 CMC by telephone.

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On Friday, March 18, I contacted Your Honor's Courtroom to request permission to appear by telephone at the March 24 CMC. During that call, I was advised that Your Honor's policy is to permit telephone appearances only if all other counsel were also appearing by telephone. Accordingly, the Court's staff suggested that we arrange for all counsel to appear at the March 24 CMC by telephone or, alternatively, reschedule the CMC to take place on a subsequent Thursday in March or April.

While counsel for all the parties are willing to appear by telephone or reschedule the CMC, Mr. Schwartz has made non-refundable plans to travel from Pennsylvania to appear at the March 24 CMC. After explaining the situation to the Court's staff, my office was advised to seek guidance from Your Honor by letter or motion. Thus, I am writing to respectfully request that the Court consider permitting me or Mr. Fazio, along with counsel for Plaintiff Calix, to appear at the March 24 CMC by telephone and Mr. Schwartz and counsel for Apple to appear in person.

If it is not possible to make such an exception in this case, we respectfully request that Your Honor either **(a)** agree to allow all counsel to appear by telephone on March 24 (in which case Mr. Schwartz will forgo his travel plans) or **(b)** if Your Honor prefers that counsel appear in person, to continue the CMC to Thursday March 31, or the next earliest available date.

We appreciate Your Honor's consideration of this request, and sincerely apologize for any inconvenience we may have caused the Court.

Very truly yours,



Dina E. Micheletti

cc (by e-mail):

- Penny Preovolos
- Andrew Muhlbach
- Kim Kralowec
- Earl L. Bohachek
- Steven Schwartz
- Rose Luzon
- Scott Brady
- Chris Jones