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 10 and all others similarly situated

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

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

14 Plaintiff,

15 v.

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

17 Defendants.

No. CV 10-01610-RS

**STIPULATION AND [PROPOSED]
 ORDER CONSOLIDATING ACTIONS
 AND GRANTING LEAVE TO FILE
 CONSOLIDATED AMENDED
 COMPLAINT**

18 CHRISTOPHER CORSI, on behalf of himself
 and all others similarly situated,

20 Plaintiff,

21 v.

22 APPLE INC.,

23 Defendant.

No. CV 10-03316-RS

24 DANIEL CALIX, on behalf of himself and all
 others similarly situated,

25 Plaintiff,

26 v.

27 APPLE INC.,

28 Defendant.

No. CV 10-05895-RS

Hon. Richard Seeborg

1 Pending before the Court are three actions that have been formally related by order of this
2 Court: *Gallion v. Apple, Inc.*, CV-10-01660, *Corsi v. Apple, Inc.*, CV-10-03316, and *Calix v.*
3 *Apple, Inc.*, No. CV-10-05895 (collectively, the “Related Actions”). Because of their similarity
4 and the parties’ voluntary coordination of discovery and other aspects of the litigation, the parties
5 have agreed that formally consolidating the Related Actions will further the parties’ objectives
6 regarding their efficient and expeditious resolution. Accordingly, the parties hereby
7 STIPULATE as follows:

8 1. The Related Actions are hereby consolidated into Civil Action No. CV 10-01610-
9 RS for pretrial proceedings before this Court. The consolidated action shall be captioned as “In
10 re Apple iPhone/iPod Warranty Litigation.”

11 2. All related actions (as that term is defined in Civil Local Rule 3-12(a)) that are
12 subsequently filed in, or transferred to, this District shall be consolidated into this action for
13 pretrial purposes and Fazio | Micheletti LLP and Chimicles & Tikellis LLP shall continue to
14 serve as Co-Lead Class Counsel for the consolidated action.

15 3. This Order shall apply to every such related action, absent order of the Court. A
16 party that objects to such consolidation, or to any other provision of this Order, must file an
17 application for relief from this Order within thirty (30) days after the date on which a copy of the
18 order is mailed to the party’s counsel, pursuant to Paragraph 4, *infra*.

19 4. The parties shall file a Notice of Related Case pursuant to Civil L.R. 3-12
20 whenever a case that should be consolidated with this action is filed in, or transferred to, this
21 District. If the Court determines that the case is related, the clerk shall:

- 22 a. place a copy of this Order in the separate file for such action;
- 23 b. serve on plaintiff’s counsel in the new case a copy of this Order;
- 24 c. direct that this Order be served upon defendants in the new case; and
- 25 d. make the appropriate entry in the Docket for the consolidated action.

26 5. This Order is entered without prejudice to the rights of any party to apply for
27 severance of any claim or action, for good cause shown.

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1 6. Defendant Apple, Inc. (“Apple”) is not required to respond to the complaint in
2 any action consolidated into this action, other than a consolidated complaint or a complaint
3 designated as the operative complaint.

4 7. Co-Lead Class Counsel shall prepare and file with the Court not later than May
5 30, 2011, a consolidated complaint containing the substantive allegations and claims for relief
6 pertaining to each of the Related Actions (the “Consolidated Complaint”). The Consolidated
7 Complaint shall be the operative complaint in the consolidated action, and shall supersede all
8 complaints filed in any of the actions consolidated herein. Apple shall have thirty (30) days from
9 the filing of the Consolidated Complaint in which to plead or otherwise respond.

10 8. SO STIPULATED.

11 DATED: April 12, 2011

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19 on behalf of herself and the proposed class,
and Interim Co-Lead Class Counsel

20 DATED: April 12, 2011

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Attorneys for Defendant, Apple, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.*

Dated: 4/13/11, 2011


The Honorable Richard Seeborg
United States District Judge

* It is further ordered that upon the filing of this order in all of the above-captioned cases, the Clerk shall close the files in Case Nos. 10-3316 RS and 10-5895 RS.