

E-Filed 4/20/11

1 Jeffrey L. Fazio (146043) (jlf@fazmiclaw.com)
Dina E. Micheletti (184141) (dem@fazmiclaw.com)

2 **FAZIO | MICHELETTI LLP**
2410 Camino Ramon, Suite 315
3 San Ramon, CA 94583
T: 925-543-2555
4 F: 925-369-0344

5 Steven A. Schwartz (*pro hac vice*) (SAS@chimicles.com)
Timothy N. Mathews (*pro hac vice*) (TNM@chimicles.com)

6 **CHIMICLES & TIKELLIS LLP**
361 W. Lancaster Avenue
7 Haverford, PA 19041
T: 610-642-8500
8 F: 610-649-3633

9 Attorneys for Plaintiff, Charlene Gallion and
10 Christoper Corsi, on behalf of themselves
and all others similarly situated

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 In re Apple iPhone/iPod Warranty Litigation

No. CV 10-01610-RS

14 **STIPULATION AND PROPOSED**
15 **ORDER REGARDING SCHEDULE**
16 **GOVERNING MOTION FOR CLASS**
17 **CERTIFICATION**

18
19
20
21
22
23
24
25
26 Hon. Richard Seeborg
27
28

1 Pursuant to the Court's instructions, the parties have met and conferred to establish a
2 class-certification briefing schedule. Having done so, the parties hereby stipulate as follows:

3
4 1. Plaintiffs Gallion, Corsi, and Calix (collectively, "Plaintiffs") will file their
5 motion for class certification on or before October 21, 2011.

6
7 2. In the event Plaintiffs submit testimony in support of their opening brief,
8 Defendant Apple, Inc. ("Apple") shall file its opposition to the motion for class certification on
9 December 23, 2011, so as to provide Apple with sufficient opportunity to depose Plaintiffs'
10 declarants about the matters set forth in their declarations, to the extent those declarants have not
11 already been deposed about those matters. If Plaintiffs do not submit testimony in support of
12 their opening brief, Apple's opposition papers shall be due November 23, 2011.

13
14 3. In the event Apple submits testimony in support of its opposition brief and
15 Plaintiffs have submitted testimony in support of their opening brief, Plaintiffs' reply papers
16 shall be filed on February 24, 2012, so as to provide Plaintiffs with sufficient opportunity to
17 depose Apple's declarants about the matters set forth in their declarations, to the extent those
18 declarants have not already been deposed about those matters. If Apple submits testimony in
19 support of its opposition brief, but Plaintiffs have not submitted testimony in support of their
20 opening brief, Plaintiffs' reply brief shall be due January 24, 2012. If Apple does not submit
21 testimony in support of its opposition brief, but Plaintiffs have submitted testimony in support of
22 their opening brief, Plaintiffs' reply brief shall be due January 24, 2012. If neither party submits
23 testimony in support of the opening and opposition briefs, Plaintiffs' reply brief shall be due
24 December 23, 2011.

25
26 4. Plaintiffs shall have the opportunity to submit expert rebuttal testimony in support
27 of their reply brief.

28

1 5. The hearing date for Plaintiffs' class-certification motion shall be set on or about
2 the time Plaintiffs file their reply brief.

3
4 The current schedule is based on the parties' understanding that Apple will complete its
5 initial document production by the end of June, 2011; that no substantial follow-up discovery or
6 modifications to the key-word searches that informed Apple's discovery efforts will be necessary
7 in order to draft Plaintiffs' class-certification brief; that the schedules of counsel and various
8 witnesses will allow for the taking of depositions following the completion of Apple's initial
9 document production; and that Plaintiffs will be able to obtain necessary third-party discovery
10 prior to the filing of their motion for class certification. In the event circumstances warrant it,
11 this schedule is subject to modification.

12 Respectfully submitted,

13 DATED: March 29, 2011

Jeffrey L. Fazio
Dina E. Micheletti
FAZIO | MICHELETTI LLP

15 Kimberly A. Kralowec
Elizabeth Newman
THE KRALOWEC LAW GROUP LLP

17 Earl L. Bohachek
THE LAW OFFICES OF EARL L. BOHACHEK

18
19 by /s/ Dina E. Micheletti
Dina E. Micheletti

20 Attorneys for Plaintiff, Charlene Gallion,
21 on behalf of herself and the proposed class,
22 and Interim Co-Lead Class Counsel

23 DATED: March 29, 2011

24 Steven A. Schwartz
Timothy N. Matthews
CHIMICLES & TIKELLIS LLP

25 Rose F. Luzon
26 James C. Shah
SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

by /s/ Steven A. Schwartz
Steven A. Schwartz

Attorneys for Plaintiff, Christopher Corsi,
on behalf of himself and the proposed class,
and Interim Co-Lead Class Counsel

DATED: March 29, 2011

Philip Bohrer
Scott E. Brady
BOHRER LAW FIRM L.L.C.

John P. Wolff, III
Christopher K. Jones
KEOGH, COX & WILSON

by /s/ Scott E. Brady
Scott E. Brady

Attorneys for Plaintiff, Daniel Calix
on behalf of himself and the proposed class

DATED: March 29, 2011

Penelope A. Preovolos
Andrew D. Muhlbach
Heather A. Moser
Samuel J. Boone Lunier
MORRISON | FOERSTER LLP


by /s/ Andrew D. Muhlbach
Andrew D. Muhlbach

Attorneys for Defendant, Apple, Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 4/19/11


The Honorable Richard Seaborg
United States District Judge