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

14

15 IN RE APPLE IPHONE/IPOD WARRANTY  
LITIGATION

No. CV 10-01610-RS

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17 This Document Relates To:

**NOTICE OF ADOPTION BY  
 NON-PARTY 3M COMPANY  
 OF TERMS OF STIPULATED  
 PROTECTIVE ORDER FILED  
 NOVEMBER 2, 2010, AS  
 MODIFIED; STIPULATION  
 AND [~~PROPOSED~~] ORDER**

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ALL ACTIONS

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1 Pursuant to paragraph 34 of the Stipulated Protective Order filed on November 2,  
2 2010 (Dock. No. 29), 3M Company, a non-party who has been served with a subpoena in  
3 these proceedings, hereby adopts the provisions of the Stipulated Protective Order, as  
4 modified herein.

5 By and through their counsel, the parties and 3M Company agree that the  
6 language set forth below shall be deemed added to paragraphs 28, 32 and 37 of the  
7 Stipulated Protective Order for purposes of 3M's production only (new language  
8 underscored):

9 28. Without written permission from the Designating Party or a court order  
10 secured after appropriate notice to all interested persons, a Party may not  
11 file in the public record in this action any Protected Material. A Party that  
12 seeks to file under seal any Protected Material must comply with Civil  
13 Local Rule 79-5. Protected Material may only be filed under seal pursuant  
14 to a court order authorizing the sealing of the specific Protected Material  
15 at issue. Pursuant to Civil Local Rule 79-5, a sealing order will issue only  
16 upon a request establishing that the Protected Material at issue is  
17 privileged, protectable as a trade secret, or otherwise entitled to protection  
18 under the law. If a Receiving Party's request to file Protected Material  
19 under seal pursuant to Civil Local Rule 79-5(d) is denied by the court,  
20 then the Receiving Party may file the information in the public record  
21 pursuant to Civil Local Rule 79-5(e) unless otherwise instructed by the  
22 court. If, pursuant to Civil Local Rule 79-5, a Receiving Party files an  
23 Administrative Motion to File Under Seal that seeks an order sealing any  
24 Protected Material produced by non-party 3M Company, that Receiving  
25 Party shall serve that Motion on counsel for 3M Company.

26 32. This Protective Order is not intended to govern the use of Protected  
27 Material at evidentiary hearings or at the trial of this action. Procedures  
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1 governing the use of Protected Material at evidentiary hearings and at trial,  
2 if necessary, will be established by separate order. If an evidentiary  
3 hearing or trial has been scheduled at which Protected Material produced  
4 by non-party 3M Company might potentially be used by a Receiving  
5 Party, that Receiving Party shall notify 3M's counsel of the originally-  
6 scheduled date of that evidentiary hearing or trial. For evidentiary  
7 hearings, if the hearing date was scheduled by noticed motion (either on  
8 regular notice under the applicable Rules or otherwise as the Court may  
9 order), then such notice shall be provided to 3M's counsel simultaneously  
10 with the original notice, if the Receiving Party is the moving party, or  
11 simultaneously with the opposition papers, if the Receiving Party is the  
12 opposing party. For all other evidentiary hearings, the Receiving Party  
13 shall notify 3M's counsel as soon as practicable after the hearing date is  
14 originally scheduled by the Court. For trial, such notice shall be provided  
15 within 30 days of the originally-scheduled trial date.

16 37. No restriction imposed by this Protective Order may be terminated, except  
17 by a written stipulation executed by counsel of record for all parties, or by  
18 an order of this Court for good cause shown. The termination of this action  
19 shall not terminate the obligations specified in this Protective Order. All  
20 Protected Material produced by non-party 3M Company shall be  
21 destroyed within 180 days following the conclusion of all Related Cases.  
22 For purposes of this paragraph, "conclusion" means the last day to file a  
23 petition for a writ of certiorari with the United States Supreme Court  
24 challenging the last order entered by any lower court in any of the Related  
25 Cases, or the date on which such a petition is denied.

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IT IS SO STIPULATED.

Dated: May 27, 2011

**3M COMPANY**

By           /s/ Alpha Khaldi            
Alpha Khaldi

Counsel for Non-Party 3M Company

Dated: May 27, 2011

**FAZIO | MICHELETTI LLP**

By           /s/ Jeffrey L. Fazio            
Jeffrey L. Fazio

Interim Co-Lead Class Counsel

Dated: May 27, 2011

**CHIMICLES & TIKELLIS LLP**

By           /s/ Steven A. Schwartz            
Steven A. Schwartz

Interim Co-Lead Class Counsel

Dated: May 27, 2011

**MORRISON FOERSTER LLP**

By           /s/Andrew D. Muhlbach            
Andrew D. Muhlbach

Attorneys for Defendant Apple, Inc.

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**ATTESTATION OF FILER**

I, Kimberly A. Kralowec, hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. See N.D. Cal. Gen. Order No. 45, para. X(B).


Dated: May 27, 2011

By:           /s/ Kimberly A. Kralowec            
Kimberly A. Kralowec  
THE KRALOWEC LAW GROUP

**ORDER**

IT IS SO ORDERED.

Dated: May 31, 2011

  
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Hon Richard Seeborg  
Judge of the District Court