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**UNITED STATES DISTRICT COURT**

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**NORTHERN DISTRICT OF CALIFORNIA**

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IN RE APPLE iPhone/iPod  
 21 WARRANTY LITIGATION

**No. 10-CV-01610**

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This Document Relates To:

**JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT**

23

All Actions

24

DATE: August 9, 2012  
 TIME: 10:00 a.m.  
 COURTROOM: 3  
 TRIAL DATE: Not set

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1 Pursuant to Civil Local Rule 16-10(d), the parties respectfully submit this  
2 Case Management Conference Statement in anticipation of the Conference  
3 scheduled for August 9, 2012.

4 The original complaint in *Gallion v. Apple Inc.*, No. 10-CV-01610, was filed  
5 in this Court on April 15, 2010, and was later consolidated with two related  
6 actions, *Corsi v. Apple Inc.*, No. 10-CV-03316, and *Calix v. Apple Inc.*, No. 10-CV-  
7 05895, each of which proposed a nationwide class of consumers who had purchased  
8 an original iPhone, iPhone 3G, iPhone 3GS, and/or iPod touch device (“Class  
9 Devices”). Another, related action had been filed in the Santa Clara County  
10 Superior Court, *Pennington, et al. v. Apple Inc.*, No. 1-10-CV-162659, which  
11 proposed a class composed of California residents who had purchased a Class  
12 Device.

13 In each of these actions (collectively, the “Actions”), the plaintiffs alleged  
14 that Apple had a policy of denying warranty claims on the ground that Class  
15 Devices had been damaged by liquid based solely on a Liquid Contact Indicator  
16 (“LCI”) that had turned pink or red, without inspecting Class Devices for evidence  
17 of actual damage by liquid. Plaintiffs also alleged that because Apple relied on a  
18 provision in its warranties by which coverage is excluded if the consumer causes  
19 damage, Apple bore the burden of proving that the Class Devices had actually been  
20 damaged by the consumer, and that Apple could not carry that burden because  
21 LCIs are inherently incapable of establishing that a Class Device had been  
22 damaged. Apple has answered each of the complaints and has denied all claims of  
23 liability.

24 The parties have engaged in more than two years of extensive discovery  
25 efforts that has included multiple sets of written discovery, the production of  
26 hundreds of thousands of pages of documents by Apple and by third parties, and  
27 the depositions of witnesses employed by Apple and by third parties. Plaintiffs and  
28 Apple have explored the possibility of resolving this litigation by way of a series of

1 mediation sessions before Retired Magistrate Judge Edward Infante and Catherine  
2 Yanni of the Judicial Arbitration and Mediation Service (“JAMS”). The parties  
3 have made substantial progress in that regard, and hereby respectfully request  
4 that the August 9, 2012 case management conference be conducted in chambers so  
5 that the parties may provide the Court with a candid assessment of the status of  
6 the litigation, the progress of settlement efforts, and discuss a variety of scheduling  
7 issues.

8 DATED: August 2, 2012

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10 by  /s/ Jeffrey L. Fazio

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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: August 2, 2012 by  /s/ Kimberly A. Kralowec