

1 LUANNE SACKS, Bar No. 120811
 luanne.sacks@dlapiper.com
 2 CARTER W. OTT, Bar No. 221660
 carter.ott@dlapiper.com
 3 DLA PIPER LLP (US)
 555 Mission Street, Suite 2400
 4 San Francisco, CA 94105
 Tel: 415.836.2500
 5 Fax: 415.836.2501

6
 7 Attorneys for Defendant
 SONY COMPUTER ENTERTAINMENT
 AMERICA LLC
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 In re SONY PS3 "OTHER OS"
 13 LITIGATION

CASE NO. 3:10-CV-01811-RS (EMC)

**NOTICE OF PENDENCY OF OTHER
 ACTION OR PROCEEDING**

[CIVIL L.R. 3-13]

14
 15
 16
 17 JAMES ALLEE, on behalf of himself
 and all others similarly situated,

CASE NO. 4:10-CV-05179-DMR

18
 19 Plaintiff,

20 v.

21 SONY COMPUTER
 ENTERTAINMENT AMERICA LLC,

22 Defendant.
 23
 24
 25
 26
 27

1 JAMES GIRARDI, individually and on
2 behalf of all others similarly situated,

CASE NO. 10-CV-5224-EDL

3
4 Plaintiff,

5 v.

6 SONY COMPUTER
7 ENTERTAINMENT AMERICA, LLC,

8 Defendant.

9 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

10 PLEASE TAKE NOTICE that the following pending actions before this District involve
11 all or a material part of the same subject matter and all or substantially all of the same parties:

- 12 • *In re Sony PS3 "Other OS" Litigation*, Case No. 10-CV-01811, filed on July 30,
13 2010, pending in this District.
- 14 • *Allee, et al. v. Sony Computer Entertainment America LLC*, Case No. 10-CV-
15 05179, filed on July 28, 2010 in the State of Wisconsin, Circuit Court of
16 Milwaukee County; removed by defendant Sony Computer Entertainment
17 America LLC ("SCEA") to the United States District Court, Eastern District of
18 Wisconsin, on August 27, 2010; and transferred to this District on November 10,
19 2010.
- 20 • *Girardi, et al. v. Sony Computer Entertainment America LLC*, Case No. 10-CV-
21 5224, filed on November 17, 2010, pending in this District.

22 The three aforementioned cases are putative class actions against SCEA alleging that a software
23 update, Firmware Update 3.21, to the PlayStation®3 game console ("PS3") renders certain

24 /////

25 /////

26 /////

27 /////

28 /////

WEST\222859734.1

-2-

NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING
CASE NO. 3:10-CV-01811-RS
CASE NO. 4:10-CV-05179-DMR
CASE NO. 10-CV-5224-EDL

1 features inoperable, that SCEA engaged in improper business practices related to this software
2 update and the PS3s, and that as a result, each named plaintiff suffered damages.

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

Dated: December 17, 2010

DLA PIPER LLP (US)

By /s/ Carter Ott
CARTER W. OTT
Attorneys for Defendant
Sony Computer Entertainment America LLC