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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JACOB BALTAZAR, CLAUDIA  
KELLER, JOHN R. BROWNING,  
individually, and on behalf of others  
similarly situated,

No. C 10-03231 WHA

Plaintiffs,

**ORDER GRANTING LEAVE  
TO FILE MOTION TO DISMISS  
AND MOTION TO STRIKE  
PLAINTIFFS' THIRD AMENDED  
COMPLAINT**

v.


APPLE, INC.,

Defendant.

Defendant Apple, Inc. requests leave to file a motion to dismiss and to strike plaintiffs' third amended complaint (Dkt. No. 85). Plaintiffs oppose (Dkt. No. 88). Having considered the submissions from both sides, the request is **GRANTED**. Apple should refile the motions and request a hearing date. The motions will be briefed and heard on the normal 35-day track.

**IT IS SO ORDERED.**

Dated: November 22, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE