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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT PEPPER, STEPHEN H.
SCHWARTZ, EDWARD W. HAYTER,
and HARRY BASS on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

CASE NO. C 11-06714-JW

RELATED CASES NOS.

C 07-05152-JW

C 12-00259-JW

**[PROPOSED] ORDER GRANTING
DEFENDANT APPLE'S MOTION TO
DISMISS**

1 The Court finds that AT&T Mobility LLC (“ATTM”) is a necessary party to this action,
2 and that joinder of ATTM is possible and therefore required under Fed. R. Civ. Proc. 19(a). The
3 Court further finds that ATTM is an indispensable party under Fed. R. Civ. Proc. 19(b), such that
4 in equity and good conscience this case may not proceed in its absence.

5 The Court thus GRANTS Defendant Apple Inc.’s Motion to Dismiss for failure to join an
6 indispensable party under Fed. R. Civ. Proc. 12(b)(7).

7 On or before _____, Plaintiffs shall file an Amended Complaint
8 consistent with the terms of this Order.

9 **IT IS SO ORDERED.**

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Dated: _____

By _____
THE HONORABLE JAMES WARE
UNITED STATES DISTRICT COURT CHIEF JUDGE

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