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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Robert Pepper, et al.,

NO. C 11-06714 JW
NO. C 12-00259 JW

Plaintiffs,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
CONSOLIDATING CASES; DENYING
MOTION TO DISMISS AS MOOT**

Eric Terrell, et al.,

Plaintiffs,

v.

Apple Inc.,

Defendant.

These cases are scheduled for a Case Management Conference on March 26, 2012. In their Joint Case Management Statements, all of the parties contend that these two cases should be consolidated.¹ Further, Defendant has filed a Motion to Dismiss in one of the cases.²

In light of the parties' stipulation regarding consolidation of the cases, the Court finds that a Case Management Conference would be premature at this time, as the filing of a Consolidated Complaint is necessary. Accordingly, the Court VACATES the Case Management Conference.

For good cause shown, the Court CONSOLIDATES these cases into one case. The Clerk shall consolidate these cases such that the earliest-filed action, No. C 11-06714 JW, is the lead case.

¹ (See Joint Case Management Statement at 12, Docket Item No. 22 in No. C 11-06714 JW; Joint Case Management Statement at 12, Docket Item No. 6 in No. C 12-00259 JW.)

² (See Defendant Apple's Notice of Motion and Motion to Dismiss; Memorandum of Points and Authorities in Support Thereof, Docket Item No. 14 in No. C 11-06714 JW.)

1 All future filings shall be in No. C 11-06714 JW and shall bear the caption: “In re Apple iPhone
2 Antitrust Litigation.” Since the later action is now consumed in the first-filed action, the Clerk shall
3 administratively close No. C 12-00259 JW.

4 On or before **March 30, 2012**, Plaintiffs shall file a Consolidated Complaint. In light of this
5 Order, Defendant’s Motion to Dismiss—which is currently set for hearing on April 23, 2012—is
6 DENIED as moot.

7
8 Dated: March 20, 2012



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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18
19 **Dated: March 20, 2012**

Richard W. Wieking, Clerk

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21 **By: /s/ JW Chambers**
Susan Imbriani
Courtroom Deputy

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