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7 Attorneys for Defendant  
 APPLE INC.

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**

12 MARC OPPERMAN, et al.,  
 13  
 14 Plaintiffs,  
 15 v.  
 16 KONG TECHNOLOGIES, INC., et al.,  
 Defendants.

Case No. 13-CV-00453-JST

**STIPULATION AND [PROPOSED] ORDER  
 DISMISSING SPECIFIED CLAIMS AGAINST  
 APPLE INC. WITH PREJUDICE  
 [Fed. R. Civ. P. 41(a)]**

The Honorable Jon S. Tigar

THIS DOCUMENT RELATES TO ALL ACTIONS:

- Opperman v. Path, Inc., No. 13-cv-00453-JST
- Hernandez v. Path, Inc., No. 12-cv-1515-JST
- Pirozzi v. Apple, Inc., No. 12-cv-1529-JST
- Gutierrez v. Instagram, Inc., No. 12-cv-6550-JST

1 It is hereby stipulated between Plaintiffs Allen Beuershausen, Giuliana Biondi, Lauren Carter,  
2 Stephanie Cooley, Jason Green, Claire Hodgins, Gentry Hoffman, Rachelle King, Nirali  
3 Mandalaywala, Claire Moses, Judy Paul, Maria Pirozzi, and Gregory Varner (collectively, “Dismissing  
4 Plaintiffs”) and Apple Inc. (“Apple”), through their respective counsel, that the above-captioned action  
5 be and is hereby dismissed, as follows:

6 Dismissing Plaintiffs’ claims against Apple, excepting only those claims for aiding and abetting  
7 invasion of privacy that are the subject of the Class Action Settlement Agreement (ECF No. 884) and  
8 that will be released by operation of that Class Action Settlement Agreement upon its final approval by  
9 the Court, shall be and hereby are dismissed with prejudice, each side to bear its own costs and  
10 attorneys’ fees, pursuant to FRCP 41. Without limitation of the foregoing and for the avoidance of  
11 doubt, this dismissal includes Counts Three, Four, Five and Six of the Second Consolidated Amended  
12 Complaint.

13  
14 Respectfully submitted,

15 Dated: September 1, 2017

**KERR & WAGSTAFFE LLP**

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**ATTORNEYS FOR PLAINTIFFS**

23 Dated: September 1, 2017

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**ATTORNEYS FOR DEFENDANT APPLE INC.**

**FILER'S ATTESTATION**

I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Dated: September 1, 2017

Hogan Lovells US LLP

By: /s/ Robert B. Hawk  
Robert B. Hawk

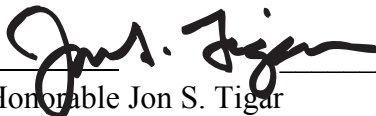
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1 **PROPOSED ORDER**

2 **PURSUANT TO THE STIPULATION, AND GOOD CAUSE APPEARING, IT IS**  
3 **HEREBY ORDERED:**

4 Plaintiffs' claims against Apple, excepting only those claims for aiding and abetting invasion of  
5 privacy that are the subject of the Class Action Settlement Agreement (ECF No. 884), shall be and  
6 hereby are dismissed with prejudice, each side to bear its own costs and attorneys' fees.

7  
8  
9 Dated: September 5, 2017

  
\_\_\_\_\_  
The Honorable Jon S. Tigar  
United States District Judge