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16 *Attorneys for Defendant Apple Inc.*

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19
 20 AMANDA FRLEKIN, AARON GREGOROFF,
 21 SETH DOWLING, DEBRA SPEICHER and
 TAYLOR KALIN, on behalf of themselves and all
 others similarly situated,

22 Plaintiffs,

23 v.

24 APPLE INC., a California corporation,

25 Defendant.
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No. C 13-03451 WHA (lead)

No. C 13-04727 WHA (consolidated)

**STIPULATION AND ~~PROPOSED~~
 ORDER SHORTENING TIME FOR
 HEARING ON PLAINTIFFS'
 MOTION TO STRIKE/EXCLUDE
 THE DECLARATION OF DR.
 RANDOLPH HALL SUBMITTED BY
 DEFENDANT APPLE INC. IN
 OPPOSITION TO PLAINTIFFS'
 MOTION FOR CLASS
 CERTIFICATION [DKT. 272]**

1 Plaintiffs Amanda Frlekin, Aaron Gregoroff, Debra Speicher, Seth Dowling, and Taylor
2 Kalin (collectively "Plaintiffs") and Apple Inc. ("Apple") (together with Plaintiffs, "the Parties"),
3 by and through their counsel of record, enter into the following Stipulation, pursuant to Civil
4 Local Rule 6-2 and subject to this Court's approval:

5 **RECITALS**

6 Whereas, on June 4, 2015, Plaintiffs filed a Motion To Strike/Exclude the Declaration of
7 Dr. Randolph Hall Submitted by Defendant Apple Inc. in Opposition to Plaintiffs' Motion for
8 Class Certification [Dkt. 272] ("Motion to Strike");

9 Whereas, pursuant to Civil Local Rule 7-2(a), the Motion to Strike is currently scheduled
10 to be heard on July 9, 2015;

11 Whereas, Apple will oppose the Motion to Strike, and also objects to the filing of the
12 motion and contends that it is inappropriate under Civil Local Rule 7-3(c), as the motion is
13 objections to Apple's evidence, which should be contained within Plaintiffs' reply brief in
14 support of their motion for Rule 23(c)(4) Certification of Particular issues;

15 Whereas, Plaintiffs' Motion for Rule 23(c)(4) Certification of Particular Issues is
16 currently scheduled to be heard on July 2, 2015;

17 WHEREAS, no previous time modification has been made in connection with Plaintiffs'
18 motion to strike, either by stipulation or Court order;

19 WHEREAS, the time modification proposed herein will not affect any other deadlines or
20 schedules in this case, including the opposition and reply deadlines for the motion to strike; and

21 Whereas, the Parties agree that Plaintiffs' Motion to Strike is related to the Motion for
22 Rule 23(c)(4) Certification of Particular Issues, such that it would be more efficient and cost
23 effective for the motions to be heard together rather than on separate days.

24 **STIPULATION**

25 Based on the foregoing facts, the parties stipulate to the following:

26 1. The hearing date for Plaintiffs' Motion to Strike will be July 2, 2015, at the same
27 time as Plaintiffs' Motion for Rule 23(c)(4) Certification of Particular Issues.

1 2. The briefing schedule regarding the motion to strike, pursuant to Civil Local Rules
2 7-3(a) and (c), remains as follows:

- 3 a. Opposition Brief due: June 18, 2015,
4 b. Reply Brief due: June 25, 2015.

5 It is so stipulated.

6 Dated: June 8, 2015

Respectfully submitted,

7
8 By: /s/ Kathleen Styles Rogers
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16 Dated: June 8, 2015

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I attest that the concurrence in the filing of the Stipulation and [Proposed] Order Shortening Time for Hearing on Plaintiffs' Motion to Strike/Exclude the Declaration of Dr. Randolph Hall Submitted by Defendant Apple Inc. in Opposition to Plaintiffs' Motion for Class Certification [Dkt. 272], has been obtained from the other signatory therein, Todd Boyer, attorney for Defendant, in this matter.

Dated: June 8, 2015

/s/ Kathleen Styles Rogers
Kathleen Styles Rogers (SBN 122853)


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ORDER

Pursuant to the parties' stipulation, the hearing on Plaintiffs' Motion to Strike/Exclude the Declaration of Dr. Randolph Hall Submitted by Defendant Apple Inc. in Opposition to Plaintiffs' Motion for Class Certification [Dkt. 272], currently set for July 9, 2015, at 8:00 a.m., is reset for hearing on July 2, 2015, at 8:00 a.m. The deadline to file an opposition brief is June 18, 2015. The deadline to file a reply brief is June 25, 2015.

IT IS SO ORDERED.

Dated: June 8, 2015.


The Honorable William H. Alsup
United States District Judge