

1 KIMBERLY A. KRALOWEC (Cal. Bar No. 163158)
 THE KRALOWEC LAW GROUP
 2 188 The Embarcadero, Suite 800
 San Francisco, Ca 94105
 3 Telephone: (415) 546-6800
 Facsimile: (415) 546-6801
 4 *kkralowec@kraloweclaw.com*

5 LEE S. SHALOV (admitted *pro hac vice*)
 BRETT GALLAWAY (admitted *pro hac vice*)
 6 WADE WILKINSON (admitted *pro hac vice*)
 McLaughlin & Stern, LLP
 7 260 Madison Avenue
 New York, Ny 10016
 8 Telephone: (212) 448-1100
 Facsimile: (212) 448-0066
 9 *lshalov@mclaughlinstern.com*
bgallaway@mclaughlinstern.com

10 LOUIS GINSBERG (admitted *pro hac vice*)
 11 LAW FIRM OF LOUIS GINSBERG, P.C.
 1613 Northern Blvd.
 12 Roslyn, Ny 11576
 Telephone: (516) 625-0105 X.13
 13 *lg@louisginsberglawoffices.com*

14 *Attorneys for Plaintiffs Amanda Frlekin, Dean Pelle,*
Adam Kilker, Brandon Fisher and the Proposed Classes

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 AMANDA FRLEKIN and DEAN PELLE on behalf
 18 of themselves and all others similarly situated,

19 Plaintiffs,

20 v.

21 APPLE INC., a California corporation,

22 Defendant.

23 ADAM KILKER and BRANDON FISHER on
 24 behalf of themselves and all others similarly
 situated

25 Plaintiffs,

26 v.

27 APPLE INC., a California corporation,

28 Defendant.

CASE NO. 13-cv-3451-WHA

**RESPONSE TO ORDER TO SHOW
 CAUSE, STIPULATION
 REGARDING FILING OF
 AMENDED COMPLAINT AND
 CONSOLIDATION OF ACTIONS
 AND ~~PROPOSED~~ ORDER**

CASE NO. 13-cv-3775-WHA

RESPONSE TO ORDER TO SHOW CAUSE, STIPULATION REGARDING FILING OF
 AMENDED COMPLAINT AND CONSOLIDATION OF ACTIONS AND ~~PROPOSED~~ ORDER

Case No. 13-cv-3451-WHA

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the above parties,

as follows:

- 1) Plaintiffs in the action captioned *Frlekin v. Apple, Inc.*, Case No. 13-cv-3451-WHA (the “*Frlekin* action”) shall file their First Amended Complaint, a copy of which is attached hereto as Exhibit A, within 5 days of the Court’s issuance of the Order on this stipulation.
- 2) The new caption in the *Frlekin* action shall be:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMANDA FRLEKIN, DEAN PELLE, ADAM
KILKER and BRANDON FISHER on behalf of
themselves and all others similarly situated,

CASE NO. 13-cv-3451-WHA

Plaintiffs,

v.

APPLE INC., a California corporation,

Defendant.

- 3) Defendant shall file its Answer to the First Amended Complaint within 21 days from date that the First Amended Complaint is filed.
- 4) The *Frlekin* action and the action captioned *Kilker v. Apple, Inc.*, Case No. 13-cv-3775-WHA (the “*Kilker* action”) are hereby consolidated for pretrial and trial proceedings before this Court pursuant to Federal Rule 42(a).
- 5) All future filings in the actions shall be filed only in the *Frlekin* action with the *Frlekin* action case number and the *Frlekin* action caption.
- 6) The parties shall be governed by the Case Management Order in the *Frlekin* action entered by the Court on October 17, 2013.
- 7) Apple has separately filed a motion to consolidate the *Frlekin* and *Kilker* actions with the *Taylor Kalin v. Apple, Inc.* lawsuit, Northern District of California, Case No. 13-CV-

04727-WHA. Nothing in this Stipulation is intended to modify or limit Apple's motion to also have the *Kalin* lawsuit consolidated.

McLAUGHLIN STERN, LLP

LITTLER MENDELSON, P.C.

By: 

By: _____

Lee S. Shalov
Brett R. Gallaway
Wade Wilkinson
260 Madison Avenue
New York, New York 10016
(212) 448-1100

Lara Strauss
501 W. Broadway
San Diego, California 92101
(619) 232-0441

Attorneys for Defendant Apple Inc.

-and-

Law Firm Of Louis Ginsberg, P.C.
1613 Northern Blvd.
Roslyn, New York 11576
Telephone: (516) 625-0105

-and-

The Kralowec Law Group
188 The Embarcadero, Suite 800
San Francisco, California 94105
Telephone: (415) 546-6800

*Attorneys for Plaintiffs and the
Proposed Classes*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

Good cause appearing, the parties' stipulation regarding filing of the Amended Complaint and consolidation of the actions is adopted and IT IS SO ORDERED.

Dated: December 13 2013


WILLIAM H. ALSUP
United States District Court Judge