JS 44 CAND (Rev. 12/11)

CIVIL COVER SHEET

The IS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.

the civil docket sheet. (SEE INS	STRUCTIONS ON NEXT PAGE	OF THIS FORM.)			
I. (a) PLAINTIFFS		· · · · · · · · · · · · · · · · · · ·	DEFENDANTS		
DANIEL M. BALASSONE and BENJAMIN SWARTZMAN			Apple, Inc.		- X
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(1) m . m	0221 - 75 - 1701 - 1701			CT: . T 17 C	
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)			County of Residence		Santa Clara County
				(IN U.S. PLAINTIFF CASES C	
			NOTE:	IN LAND CONDEMNATION C THE TRACT OF LAND INVOL	VED.
(c) Attorneys (Firm Name, Address, and Telephone Number) Jennifer Sarnelli, Gardy & Notis, LLP, 501 Fifth Avenue, Suite 1408 New York, NY 10017					
York, NY 10017	, , , , , , , , , , , , , , , , , , , ,			ॐ री	
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) IN CITIZENSHIP OF FRINGINAL PRINCIPAL PRINCIPAL IN THE STREET OF Plaintiff)					
		V	(For Diversity Cases Only)		and One Box for Defendant)
☐ 1 U.S. Government	U.S. Government Plaintiff (U.S. Government Not a Party)		•	PTF DEF J l	PTF DEF
Plaintiff (U.S. Government Not a Farty) Citizen of Fins State				of Business In This	
		i			
U.S. Government 8 4 Diversity Defendant (Indicate Citizenship of Parties in Item III)			Citizen of Another State	2	-
Oetenuant	Indicate Citizenskip	o of 1 arties in tem 117		01 Dasmoss 11 7	thouses blate
				D 3 Foreign Nation	□ 6 □ 6
Foreign Country					
IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACTS FOR FULL PLACES F					
					1 .
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	O 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal	☐ 375 False Claims Act ☐ 400 State Reapportionment
120 Marine 130 Miller Act	310 Airplane 315 Airplane Product	O 365 Personal Injury - Product Liability	© 690 Other	28 USC 157	☐ 410 Antitrust
140 Negotiable Instrument	Liability	□ 367 Health Care/			G 430 Banks and Banking
☐ 150 Recovery of Overpayment	☐ 320 Assault, Libel &	Pharmaceutical		MERCOPKRIEVER GHES	
& Enforcement of Judgment		Personal Injury		☐ 820 Copyrights ☐ 830 Patent	460 Deportation 470 Racketser Influenced and
☐ 153 Medicare Act ☐ 152 Recovery of Defaulted	☐ 330 Federal Employers' Liability	Product Liability 368 Asbestos Personal		D 840 Trademark	Corrupt Organizations
Student Loans	☐ 340 Marine	Injury Product			☐ 480 Consumer Credit
(Excl. Veterans)	☐ 345 Marine Product	Liability	LABOR	SOCIAL SIGURDAY	
153 Recovery of Overpayment	Liability	PERSONAL PROPER 370 Other Fraud	TY 710 Fair Labor Standards Act	O 861 HIA (1395ff) O 862 Black Lung (923)	850 Securities/Commodities/ Exchange
of Veteran's Benefits 160 Stockholders' Suits	☐ 350 Motor Vehicle ☐ 355 Motor Vehicle	371 Truth in Lending	720 Labor/Mgmt. Relations	D 863 DIWC/DIWW (405(g))	□ 890 Other Statutory Actions
190 Other Contract	Product Liability	☐ 380 Other Personal	740 Railway Labor Act	☐ 864 SSID Title XVI	O 891 Agricultural Acts
☐ 195 Contract Product Liability	□ 360 Other Personal	Property Damage	O 751 Family and Medical	□ 865 RSI (405(g))	893 Environmental Matters
196 Franchise	Injury 362 Personal Injury -	☐ 385 Property Dalmage Product Liability	Leave Act 790 Other Labor Litigation		895 Freedom of Information Act
	Med. Malpractice	rioddet Eldollity	791 Empl. Ret. Inc.		☐ 896 Arbitration
RECASCIBLED DERVICE	SECULIFICATION SECTION	PRISONER PETITION	Security Act	E PRID TRAIL PARCETURES	O 899 Administrative Procedure
☐ 210 Land Condemnation	440 Other Civil Rights	☐ 510 Motions to Vacate		O 870 Taxes (U.S. Plaintiff	Act/Review or Appeal of
220 Foreclosure	☐ 441 Voting ☐ 442 Employment	Sentence Habeas Corpus:		or Defendant) 871 IRS—Third Party	Agency Decision 950 Constitutionality of
230 Rent Lease & Ejectment 240 Torts to Land	442 Employment 443 Housing/	530 General		26 USC 7609	State Statutes
☐ 245 Tort Product Liability	Accommodations	D 535 Death Penalty	HIM MUGRATION		
290 All Other Real Property	445 Amer. w/Disabilities -	O 540 Mandamus & Oth	**	n	
	Employment 446 Amer. w/Disabilities -	550 Civil Rights 555 Prison Condition	Alien Detainee		
	Other	O 560 Civil Detainee -	(Prisoner Petition)		
•	☐ 448 Education	Conditions of	465 Other Immigration		
	<u> </u>	Confinement	Actions		
V ODICIN (a)	WWW. 0 . D 0.31				N ²
V. ORIGIN (Place an "X" in One Box Only) If I Original					
		Appellate Court	Reopened anot	ner district	
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):					
VI. CAUSE OF ACTION 28 U.S.C. § 1332(d)(2)					
VI. CAUSE OF ACTION	i brief description of c	cause:			
Consumer Fraud Class Action					
VII. REQUESTED IN THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint:					
COMPLAINT: UNDER F.R.C.P. 23 JURY DEMAND:					
VIII. RELATED CASE(S)					
(See instructions):					
TIF ANY JUDGE Hon, Howard R. Lloyd DOCKET NUMBER 12 CV 1127					
IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)					
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLA ND SAN JOSE EUREKA					
DATE 03/20/2012 SIGNATURE OF ATTORNEY OF RECORD					

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity.

Example:U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment. In accordance with Civil L.R. 3-2(e) (f), select the appropriate venue based upon the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.

Date and Attorney Signature. Date and sign the civil cover sheet.