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Attorneys for Defendant  
 APPLE INC.

9 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

14 WILLIAM RUTTER, JACQUELINE TABAS,  
 15 NATASHA GARAMANI, CONNIE TABAS,  
 16 TRISTAN YOUNG, KASRA ELIASIEH  
 ROBERT BARKER, AND CINDY RUTTER, on  
 17 behalf of themselves and all  
 others similarly situated,

18 Plaintiffs,

19 v.

20 APPLE INC., and DOES 1-10,

21 Defendants.

Case No. 4:21-cv-04077-HSG

**STIPULATION AND ORDER  
 EXTENDING THE DEADLINES  
 RELATED TO APPLE INC.'S  
 FORTHCOMING MOTION TO  
 DISMISS THE THIRD AMENDED  
 COMPLAINT**

Judge: Honorable Haywood S.  
 Gilliam, Jr.

TAC Filed: May 25, 2023

1 Pursuant to Civil L.R. 6-2, the parties stipulate to, and request that the Court enter an  
2 order as follows:

3 On May 5, 2023, the Court entered an order granting Apple's Motion to Dismiss the  
4 Second Amended Complaint in its entirety; Plaintiffs were granted until May 25, 2023 to amend  
5 the complaint. (ECF No. 51.)

6 Plaintiffs filed a Third Amended Complaint ("TAC") on May 25, 2023. (ECF No. 52.)

7 Apple's current responsive pleading deadline to the TAC is June 8, 2023.

8 Apple has informed Plaintiffs that it intends to file a Motion to Dismiss the TAC and the  
9 parties have conferred and agreed upon a briefing schedule for Apple's forthcoming Motion to  
10 Dismiss, both extending the time for Apple to respond and taking into account that Plaintiffs'  
11 counsel will be unavailable for a hearing on the Motion to Dismiss until on or after September 18,  
12 2023<sup>1</sup>. The parties have agreed upon the following proposed briefing schedule for Apple's  
13 forthcoming Motion to Dismiss the TAC:

- 14 • Apple's Motion to Dismiss the TAC shall be due on or before June 27, 2023;
- 15 • Plaintiffs' Opposition to Apple's Motion to Dismiss the TAC shall be due on or before  
16 July 18, 2023; and
- 17 • Apple's Reply in support of its Motion to Dismiss the TAC shall be due on or before  
18 August 8, 2023.

19 The parties agree to defer propounding discovery while Apple's Motion to Dismiss the  
20 TAC is pending.

21 The parties previously stipulated to and requested time modifications in connection with  
22 Plaintiffs' filing of the Second Amended Complaint and Apple's Motion to Dismiss the Second  
23 Amended Complaint, and rescheduling a Case Management Conference while the Motion to  
24 Dismiss was pending, all of which were granted by the Court.

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27 <sup>1</sup> Given Plaintiffs' counsel's scheduling conflicts, Apple has agreed to reserve an available  
28 hearing date on its forthcoming Motion to Dismiss the TAC on or after September 18, 2023.

1 Granting the parties' proposed stipulation would facilitate cooperation among counsel and  
2 not appreciably delay the progress of this case, as there is presently no case schedule pending.

3 SO STIPULATED:

4 Dated: May 30, 2023

ALEXIS A. AMEZCUA  
MORRISON & FOERSTER LLP

7 By: /s/ Alexis A. Amezcua  
ALEXIS A. AMEZCUA

9 Attorneys for Defendant  
APPLE INC.

11 Dated: May 30, 2023

12 DAVID M. ROSENBERG-WOHL  
HERSHENSON ROSENBERG-WOHL,  
13 A PROFESSIONAL CORPORATION

15 By: /s/ David M. Rosenberg-Wohl  
DAVID M. ROSENBERG-WOHL

16 Attorneys for Plaintiffs

17 SO ORDERED:

19 Dated: 5/31/2023

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22 Hon. Haywood S Gilliam, Jr.  
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