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12 Attorneys for Defendant
 13 APPLE COMPUTER, INC.

14 UNITED STATES DISTRICT COURT
 15
 16 NORTHERN DISTRICT OF CALIFORNIA

17 **THOMAS WILLIAM SLATTERY,**
 18 **Individually, And On Behalf Of All**
 19 **Others Similarly Situated,**

20 **Plaintiff,**

21 v.

22 **APPLE COMPUTER, INC.,**

23 **Defendant.**

24 **Case No. C 05 00037 JW**

25 **[PROPOSED] ORDER DISMISSING**
 26 **COMPLAINT OF THOMAS WILLIAM**
 27 **SLATTERY**

28 IT IS HEREBY ORDERED that, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Complaint of Thomas Slattery, filed January 3, 2005, is dismissed with prejudice for failure to state a claim.

Dated: _____

 Hon. James Ware