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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS WILLIAM SLATTERY, Individually,
And On Behalf Of All Others Similarly
Situating.

Plaintiff(s),

v.

APPLE COMPUTER, INC.

Defendant(s).

No. C 05 00037 PVT

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: January 5, 2005

Signature

Counsel for Plaintiff

(Plaintiff, Defendant, or indicate "pro se")

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.:
)

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los Angeles, CA 90025.

On January 5, 2005, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Marc L. Godino, I filed and served the document(s) described as:

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The ECF System is designed to send an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties served are as follows:

Eric J. Belfi, Esq. ebelfi@murrayfrank.com

Attorney for Plaintiff

On January 5, 2005, I served the document(s) described as:

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

Roy A. Katriel, Esq.
THE KATRIEL LAW FIRM, P.C.
1101 30th Street, NW
Suite 500
Washington, DC 20007
Tel: (202) 625-4342
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Jacqueline Sailer, Esq.
MURRAY, FRANK & SAILER LLP
275 Madison Avenue
Suite 801
New York, NY 10016
Tel: (212) 682-1818
Fax: (212) 682-1892

Attorneys for Plaintiff

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///

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1 I served the above document(s) as follows:

2 BY MAIL. I am familiar with the firm's practice of collection and processing correspondence
3 for mailing. Under that practice it would be deposited with U.S. postal service on that same day with
4 postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware
that on motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in an affidavit.

5 I further declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the
6 above-listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the
following electronic mail address provided by the Securities Class Action Clearinghouse:

7 **christi@law.stanford.edu**

8 I declare that I am employed in the office of a member of the bar of this Court at whose direction
9 the service was made.

10 Executed on January 5, 2005, at Los Angeles, California 90025.

11
12 s/ LEITZA MOLINAR
Leitza Molinar