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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Thomas William Slattery, individually,
and on behalf of all others similarly situated,

Plaintiff(s),

v.

Apple Computer, Inc.,

Defendant.

NO. C 05-00037 JW

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

On November 14, 2005, the Court conducted a case management conference. Roy Katriel and Brian Murray appeared on behalf of the Plaintiff. Robert Mittelstaedt appeared on behalf of the Defendant. Pursuant to the stipulation by the parties, the Court orders the following:

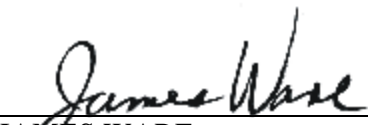
- 1) Plaintiff shall file and serve its motion for class certification no later than **March 6, 2006**.
- 2) Defendant shall file and serve its opposition to the motion for class certification motion no later than **April 10, 2006**.
- 3) A further case management conference is set for **April 17, 2006 at 10 a.m.** Due to the shorten schedule, the parties shall file a joint case management statement no later than April 13, 2006.
- 4) The hearing on the Plaintiff's motion for class certification is set for **May 15, 2006 at 9 a.m.**

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- 5) Defendant shall *not* file its motion for summary judgement before the motion for class certification is decided.
- 6) The parties are referred to Magistrate Judge Trumbull to resolve any issues with respect to pre-certification discovery.

None of the dates set in this order may be changed without an order of the Court made after a motion is duly filed and made pursuant to the local rules of this Court.

Dated: November 15, 2005



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Adam Richard Sand arsand@JonesDay.com
3 Caroline N. Mitchell cnmitchell@jonesday.com
4 Eric J. Belfi ebelfi@murrayfrank.com
5 Marc L. Godino service@braunlawgroup.com
6 Michael David Braun mdb@braunlawgroup.com
7 Robert A. Mittelstaedt ramittelstaedt@jonesday.com

8 **Dated: November 15, 2005**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**
10 **Ronald L. Davis**
11 **Courtroom Deputy**