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**Attorneys for Plaintiff**

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN JOSE DIVISION**

16 THOMAS WILLIAM SLATTERY,  
 17 Individually, And On Behalf Of All Others )  
 18 Similarly Situated, )

Plaintiff, )

19 vs. )

20 APPLE COMPUTER, INC. )

21 Defendant. )

**CASE NO.: C05-00037 JW**

**CLASS ACTION**

**PLAINTIFF'S NOTICE OF MOTION  
FOR LEAVE TO FILE A SECOND  
AMENDED COMPLAINT**

**DATE: May 8, 2006**

**TIME: 9:00 a.m.**

**CRTM: 8, 4<sup>th</sup> floor**

22  
23 **"REDACTED/PUBLIC VERSION"**  
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1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT:** on May 8, 2006 at 9:00 am or as soon thereafter as this  
3 matter may be heard, at the Courtroom of the Honorable Judge James Ware in the United States  
4 District Court for the Northern District of California, San Jose Division, plaintiff Thomas William  
5 Slattery (“plaintiff” or “Slattery”) will move, by and through his undersigned counsel, for an order  
6 from this Court pursuant to Federal Rule of Civil Procedure 15 granting plaintiff leave to file a  
7 second amended complaint. The grounds for this motion are more fully set forth below in the  
8 accompanying memorandum and in the Declaration of Michael D. Braun being filed herewith.

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Dated: March 23, 2006

Michael D. Braun  
BRAUN LAW GROUP, P.C.

By: S/ MICHAEL D. BRAUN  
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**Attorneys for Plaintiff**

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**PROOF OF SERVICE**

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

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 March 24, 2006, using the Northern District of California’s Electronic Case Filing System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s) described as:

**PLAINTIFF’S NOTICE OF MOTION FOR LEAVE  
TO FILE A SECOND AMENDED COMPLAINT  
“REDACTED/PUBLIC VERSION”**

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 rak@katriellaw.com
Roy A. Katriel, Esq.	
<b>Attorneys for Plaintiff</b>	
Caroline N. Mitchell, Esq.	cnmitchell@jonesday.com mlandsborough@jonesday.com cyip@jonesday.com
Robert A. Mittelstaedt, Esq.	ramittelstaedt@jonesday.com ybennett@jonesday.com arsand@jonesday.com
Adam Richard Sand , Esq.	arsand@jonesday.com

**Attorneys for Defendant**

On March 24, 2006, I served the document(s) described as:

**PLAINTIFF’S NOTICE OF MOTION FOR LEAVE  
TO FILE A SECOND AMENDED COMPLAINT  
“REDACTED/PUBLIC VERSION”**

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

2 Jacqueline Sailer, Esq.  
MURRAY, FRANK & SAILER LLP  
3 275 Madison Avenue  
Suite 801  
4 New York, NY 10016  
Tel: (212) 682-1818  
5 Fax: (212) 682-1892

6 **Attorneys for Plaintiff**

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

8 BY MAIL. I am familiar with the firm's practice of collection and processing correspondence  
for mailing. Under that practice it would be deposited with U.S. postal service on that same day with  
9 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  
10 meter date is more than one day after date of deposit for mailing in an affidavit.

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

13 **jcarlos@law.stanford.edu**

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

15 I further declare under penalty of perjury under the laws of the United States that the above is  
16 true and correct.

17 Executed on March 24, 2006, at Los Angeles, California 90025.

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s/ LEITZA MOLINAR  
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Leitza Molinar