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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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

Plaintiff,

v.

APPLE COMPUTER, INC.,

Defendant.

Case No. C 05 00037 JW

CLASS ACTION

**JOINT FURTHER CASE MANAGEMENT
STATEMENT**

Date: May 8, 2006
Time: 9:00 a.m.
Place: Courtroom 8, 4th Floor

The parties to the above-entitled action jointly submit this Further Case Management Statement.

1 The schedule for the case will depend on the Court's decision on the pending motion for
2 leave to file the proposed second amended complaint. In the event that the Court grants the
3 motion, the parties propose the following class discovery schedule.

- 4 • Defendant to serve written discovery to plaintiffs by May 15, 2006.
- 5 • Plaintiffs to respond to written discovery by June 15, 2006.
- 6 • Defendant to respond to previous written discovery served by Slattery by June 15,
7 2006.
- 8 • Plaintiffs to submit to depositions by August 15, 2006.

9 Defendant proposes that, after that discovery, the parties may move for summary
10 judgment or adjudication on the following schedule.

- 11 • Rule 56 motions: September 15, 2006.
- 12 • Oppositions: October 13, 2006.
- 13 • Reply: November 3, 2006.
- 14 • Hearing: November 20, 2006.

15 Given that the Court has previously limited the initial round of discovery to that germane
16 for plaintiff's class certification motion, plaintiff objects to defendant being allowed to file a
17 motion for summary judgment prior to adjudication on the motion for class certification, and
18 specifically objects to holding a hearing on summary judgment prior to the opportunity to obtain
19 all pertinent discovery. Plaintiff also reserves the right to object to Rule 56 motions before class
20 determination and reserves the right to request discovery necessary to meet any such motion.

21 In defendant's view, plaintiffs will be able to obtain appropriate discovery in that the
22 parties have agreed that plaintiffs can depose any summary judgment declarant not previously
23 deposed. In addition, plaintiffs may use Rule 56(f) if they believe they need additional discovery
24 to meet the summary judgment motions.

25 Defendant proposes that if a party moves for summary judgment or adjudication, the
26 schedule for determination of class certification will be set, if necessary, after the Rule 56 motion
27 is decided. Plaintiff submits that class certification adjudication should proceed before any
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1 briefing or adjudication on summary judgment. If no party moves for summary judgment or
2 adjudication, the parties agree to the following schedule for determination of class certification.

- 3 • Close of discovery relating to class certification issues: September 1, 2006.
- 4 • Plaintiffs to file motion for class certification: October 2, 2006.
- 5 • Defendant to file opposition to motion for class certification: November 3, 2006.
- 6 • Plaintiffs to file reply: November 20, 2006.
- 7 • Hearing on motion for class certification: December 11, 2006.

8 If the Court denies the motion for leave to file the proposed second amended complaint,
9 the parties will meet and confer on a schedule for any further proceedings.

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12 Dated: April 25, 2006

/s/ Roy Katriel

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18 Dated: April 25, 2006

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