

1 LERACH COUGHLIN STOIA GELLER
 2 RUDMAN & ROBBINS LLP
 3 JOHN J. STOIA, JR. (141757)
 johns@lerachlaw.com
 4 BONNY E. SWEENEY (176174)
 bonnys@lerachlaw.com
 5 CHRISTOPHER M. BURKE (214799)
 chrisb@lerachlaw.com
 6 655 West Broadway, Suite 1900
 San Diego, CA 92101
 Telephone: 619/231-1058
 619/231-7423 (fax)

7 BONNETT, FAIRBOURN, FRIEDMAN
 8 & BALINT, P.C.
 ANDREW S. FRIEDMAN
 9 afriedman@bffb.com
 ELAINE A. RYAN
 10 eryan@bffb.com
 TODD D. CARPENTER
 11 tcarpenter@bffb.com
 2901 North Central Avenue, Suite 1000
 12 Phoenix, AZ 85012
 Telephone: 602/274-1100
 13 602/274-1199 (fax)

14 Attorneys for Plaintiff Melanie Tucker

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION

18 THOMAS WILLIAM SLATTERY,)	No. C 05-00037 JW
individually, and on behalf of all others)	
19 similarly situated,)	ADMINISTRATIVE MOTION TO
)	CONSIDER WHETHER CASES SHOULD
20 Plaintiff,)	BE RELATED – CIVIL L.R. 3-12
)	
21 vs.)	
)	
22 APPLE COMPUTER, INC.,)	
)	
23 Defendant.)	
)	

24 [Caption continued on following page.]

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1 MELANIE TUCKER, On Behalf of Herself) No. C-06-04457-HRL
and All Others Similarly Situated,)
2)
Plaintiff,)
3)
vs.)
4)
APPLE COMPUTER, INC., a California)
5 corporation,)
6 Defendant.)
7 _____)

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1 Plaintiff Melanie Tucker in case No. C 06-4457-HRL, *Tucker v. Apple Computer, Inc.*,
2 moves the Court pursuant to Northern District of California Civil L.R. 3-12 and 7-11 to consider
3 whether the following cases should be related:

4 1. *Slattery v. Apple Computer, Inc.*, No. C 05-00037-JW (N.D. Cal. filed Jan. 3, 2005);
5 and

6 2. *Tucker v. Apple Computer, Inc.*, No. C 06-4457-HRL (N.D. Cal. filed July 21, 2006).

7 Local Rule 3-12 provides that an action is related to another when they “concern
8 substantially the same parties, property, transaction or event; and [i]t appears likely that there will be
9 an unduly burdensome duplication of labor and expense or conflicting results if the cases are
10 conducted before different Judges.” Such is the situation before the Court in both of the above
11 putative class action cases on behalf of direct portable media players and electronic files against
12 Apple Computer, Inc. While differing in some particulars, both allege Apple Computer, Inc.
13 monopolized, attempted to monopolize, and engaged in illegal tying in the market for online music
14 and portable digital music players. The class period in the two cases both begin in April 2003 and
15 the classes substantially overlap, with the *Tucker* class encompassing all members of the *Slattery*
16 class.

17 DATED: August 22, 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
JOHN J. STOIA, JR.
BONNY E. SWEENEY
CHRISTOPHER M. BURKE

20

21

s/ JOHN J. STOIA, JR.
JOHN J. STOIA, JR.

22

23

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

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BONNETT, FAIRBOURN, FRIEDMAN
& BALINT, P.C.
ANDREW S. FRIEDMAN
ELAINE A. RYAN
TODD D. CARPENTER
2901 North Central Avenue, Suite 1000
Phoenix, AZ 85012
Telephone: 602/274-1100
602/274-1199 (fax)

Attorneys for Plaintiff Melanie Tucker

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List in Mailing Information for a Case 5:05-cv-00037-JW, and I hereby certify that I have e-mailed the foregoing document or paper to the CM/ECF participants indicated on the attached Mailing Information for a Case 5:06-cv-04457-HRL.

s/ JOHN J. STOIA, JR.
JOHN J. STOIA, JR.

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
E-mail:JohnS@lerachlaw.com

Mailing Information for a Case 5:05-cv-00037-JW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Eric J. Belfi**
ebelfi@labaton.com ElectronicCaseFiling@labaton.com
- **Michael David Braun**
service@braunlawgroup.com
- **Roy A. Katriel**
rak@katriellaw.com rk618@aol.com
- **Caroline N. Mitchell**
cnmitchell@jonesday.com mlandsborough@jonesday.com;ybennett@jonesday.com
- **Robert A. Mittelstaedt**
ramittelstaedt@jonesday.com ybennett@jonesday.com
- **Jacqueline Sailer**
jsailer@murrayfrank.com
- **Adam Richard Sand, Esq**
arsand@JonesDay.com mlandsborough@jonesday.com
- **Tracy Strong**
tstrong@jonesday.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

Mailing Information for a Case 5:06-cv-04457-HRL

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Christopher M. Burke**
chrisb@lerachlaw.com christinas@lerachlaw.com
- **John J. Stoia, Jr**
jstoia@lerachlaw.com
- **Bonny E. Sweeney**
bsweeney@lerachlaw.com tturner@lerachlaw.com;E_file_sd@lerachlaw.com

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The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Todd D Carpenter

Bonnett Fairbourn Friedman & Balint, PC
2901 North Central Avenue
Suite 1000
Phoenix, AZ 85012

Andrew S. Friedman

Bonnett Fairbourn Friedman & Balint, P.C
2901 N. Central Avenue
Suite 1000
Phoenix, AZ 85012

Elaine A. Ryan

Bonnett Fairbourn Friedman & Balint, P.C
2901 N. Central Avenue
Suite 1000
Phoenix, AZ 85012