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14 **Attorneys for Plaintiff**

15  
 16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**  
 18 **SAN JOSE DIVISION**  
 19

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

22 Plaintiff, )

23 vs. )

24 APPLE COMPUTER, INC. )

25 Defendant. )  
 26  
 27  
 28

**CASE NO.: C05 00037 JW**

**CLASS ACTION**

**PROOF OF SERVICE OF SUMMONS  
 AND COMPLAINT ON DEFENDANT  
 APPLE COMPUTER, INC.**

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11-14807  
 00943187-01

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

THOMAS WILLIAM SLATTERY

Plaintiff(s)

v.

APPLE COMPUTER, INC.

Defendant(s)

CASE NUMBER:

C0500037PVT

PROOF OF SERVICE  
 SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and **I served** copies of the (specify documents):  
**SEE ATTACHMENT;**

## 2. Person served:

- a. ☒ Defendant (name): **APPLE COMPUTER, INC. BY SERVING C.T. CORPORATION SYSTEMS**
- b. ☒ Other (specify name and title or relationship to the party/business named): **MARA VELASCO, PROCESS SPECIALIST (AUTHORIZED AGENT TO ACCEPT SERVICE OF PROCESS)**
- c. ☒ Address where papers were served: **818 WEST 7TH STREET, SUITE 200  
 LOS ANGELES, CA 90017**

## 3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☐ Federal Rules of Civil Procedure
- b. ☒ California Code of Civil Procedure **CCP 415.10**

## 4. I served the person named in Item 2:

- a. ☒ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
1. ☒ Papers were served on (date): **January 7, 2005** at (time): **11:50 am**
- b. ☐ By **Substituted service**. By leaving copies:
1. ☐ (home) at the place of dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. ☐ (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
3. ☐ Papers were served on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where copies were left in Item 2(c).
5. ☐ papers were mailed on (date): \_\_\_\_\_
6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

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- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership) or public entity. (C.C.P. 415.20 only)** By leaving during usual business hours, a copy of the summons and complaint in the office to the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the person at the place where copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*), copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. ☐ By delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): \_\_\_\_\_ at(time): \_\_\_\_\_
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (*name, address and telephone number*):

JOEY MARQUEZ

ALSSI

American Legal Support Services, Inc.  
 7124 Owensmouth Ave., #106  
 Canoga Park, Ca 91303  
 (818) 763-6931

a. Fee for service: \$ 43.95

b. ☐ Not a registered California process serverc. ☐ Exempt from registration under B&P 22350(b)d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: **January 7, 2005**

  
 (Signature)

**PROOF OF SERVICE-SUMMONS AND COMPLAINT**

**ATTACHMENT A**

1. Summons;
2. Class Action Complaint;
3. Civil Case Cover Sheet;
4. Order Setting Initial Case Management Conference and USDC Northern District of California Standing Order for Civil Practice in Cases Assigned for All Purposes to Magistrate Judge Patricia V. Trumbull;
5. Standing Order Regarding Case Management in Civil Cases;
6. Guidelines from the Clerk of the USDC for the Northern District of California, San Jose Division;
7. Fee Schedule Summary;
8. Criminal and Civil Law and Motion/Trial/Settlement/Case Management/Dismissal Hearing Schedules;
9. Blank Joint Case Management Statement and [Proposed] Order;
10. Notice of Assignment of Case to a United States Magistrate Judge;
11. Blank Consent to Proceed Before a United States Magistrate Judge;
12. Blank Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge;
13. Blank Waiver of Service of Summons and Notice of Lawsuit and Request for Waiver of Service of Summons;
14. General Order No. 40 - Prohibition of Bias;
15. Instructions form Completion of ADR Forms Regarding Selection of an ADR Process;
16. Blank Stipulation and [Proposed] Order Selecting ADR Process - ADR Certification;
17. Blank Notice of Need for ADR Phone Conference;
18. Notice of Electronic Availability of Case File Information - General Order No. 53 - Privacy;
19. Guide to the USDC Northern District of California's Website;
20. ECF Registration Information Handout;
21. ADR Dispute Resolution Procedures in the Northern District of California.
22. Clerk's Notice of Impending Reassignment to a United States District Judge;
23. Reassignment Order.