1 2 3 4 5 6 7	GEORGE A. RILEY (State Bar No. 118304) O'MELVENY & MYERS LLP Two Embarcadero Center 28th Floor San Francisco, California 94111-3828 Telephone: (415) 984-8700 Facsimile: (415) 984-8701 E-Mail: griley@omm.com Attorneys for Defendant APPLE INC. JAY W. EISENHOFER (admitted pro hac vice) MICHAEL J. BARRY (admitted pro hac vice) GRANT & EISENHOFER P.A.	**E-Filed 10/5/2010**
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13		
14	UNITED STATES DISTRICT COURT	
15		DICT OF CALIFORNIA
15		RICT OF CALIFORNIA
16	SAN JO	SE DIVISION
16 17		SE DIVISION Case No. C06-05208-JF
16 17 18	SAN JOS IN RE APPLE INC. SECURITIES	SE DIVISION Case No. C06-05208-JF CLASS ACTION
16 17	SAN JOS IN RE APPLE INC. SECURITIES	SE DIVISION Case No. C06-05208-JF
16 17 18 19	IN RE APPLE INC. SECURITIES LITIGATION THIS DOCUMENT RELATES TO:	Case No. C06-05208-JF CLASS ACTION STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULING MATTERS Department: Ctrm. 3, 5th Floor
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WHEREAS, on August 24, 2006, plaintiffs Vogel and Mahoney filed a class action complaint in this Court alleging that certain defendants violated the Securities Exchange Act of 1934 (the "Exchange Act"), including § 10(b) and Rule 10b-5 thereunder, and § 20(a) ("Vogel I");

WHEREAS, on June 27, 2008, plaintiffs Vogel and Mahoney filed a new class action complaint in this Court alleging that certain defendants violated the Exchange Act, including § 10(b) and Rule 10b-5 thereunder, and § 20(a) ("Vogel II");

WHEREAS, on April 8, 2010, this Court entered an order consolidating *Vogel I* and *Vogel II*, extending defendants' time to respond to the complaint to June 25, 2010, and setting a briefing schedule in the event that defendants respond to the complaint by filing motions;

WHEREAS, on May 14, 2010, plaintiffs filed a [Corrected] First Amended Consolidated Class Action Complaint ("Complaint");

WHEREAS, on August 31, 2010, the Court entered an order continuing a Case Management Conference scheduled for September 3, 2010, at 10:30 a.m., to September 24, 2010, at 10:30 a.m., and extending defendants' time to respond to the Complaint to October 1, 2010;

WHEREAS, September 20, 2010, the Clerk of the Court issued a Clerk's Notice continuing the Case Management Conference set for September 24, 2010, to October 1, 2010, at 10:30 a.m.;

WHEREAS, on September 28, 2010, the parties filed a Stipulation and Agreement of Settlement and requested entry of an order preliminarily approving the settlement, directing notice of the settlement, and scheduling a settlement fairness hearing;

WHEREAS, on September 29, 2010, the Court entered an order setting the hearing on plaintiffs' unopposed motion for preliminary approval of the settlement for October 7, 2010, at 10:00 a.m., and continued the Case Management Conference set for October 1, 2010, to October 7, 2010, to be heard with the motion;

NOW, THEREFORE, counsel for plaintiffs, counsel for Apple Inc., and counsel for individual defendants Fred D. Anderson, William V. Campbell, Millard S. Drexler, Nancy R.

1	Heinen, Steven P. Jobs, Arthur D. Levinson	and Jerome B. York hereby stipulate and agree, and
2	respectfully request that the Court enter an or	rder, as follows:
3	1. Defendants shall not be require	red to respond to the Complaint pending the Court's
4	consideration of the proposed settlement.	
5	Dated: October 1, 2010	GEORGE A. RILEY
6		O'MELVENY & MYERS LLP
7		By: /s/ George A. Riley
8		George A. Riley
9		Attorneys for Defendant APPLE INC.
10	Dated: October 1, 2010	DOUGLAS R. YOUNG (S.B. #73248) FARELLA BRAUN & MARTEL LLP
11		Russ Building 235 Montgomery Street, 17th floor
12		San Francisco, CA 94104
13		Telephone: (415) 954-4400 Facsimile: (415) 954-4480
14		E-Mail: dyoung@fbm.com
15		By: /s/ Douglas R. Young
16		Douglas R. Young
17		Attorneys for Defendants STEVEN P. JOBS, WILLIAM V.
18		CAMPBELL, MILLARD S. DREXLER, ARTHUR D. LEVINSON and JEROME B.
19		YORK
20	Dated: October 1, 2010	JEROME C. ROTH (S.B. #159483) YOHANCE C. EDWARDS (S.B. #237244)
21		MUNGER, TOLLES & OLSON LLP
22		560 Mission Street, 27th Floor San Francisco, California 94105
23		Telephone: (415) 512-4000 Facsimile: (415) 512-4077
24		E-Mail: Jerome.Roth@mto.com Yohance.Edwards@mto.com
25		By: /s/ Yohance C. Edwards
26		By: /s/ Yohance C. Edwards Yohance C. Edwards
27		Attorneys for Defendants
28		FRED Ď. ANDERSON and NANCY R. HEINEN
		- 2 - STIPULATION AND [PROPOSED] ORDER C06-05208-JF

1	Dated: October 1, 2010 JAY W. EISENHOFER (admitted pro hac vice) MICHAEL J. BARRY (admitted pro hac vice)
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6	mount) e getameem
7	By:/s/ Michael J. Barry
8	Michael J. Barry
9	MERRILL GLEN EMERICK (SB# 117248)
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11	Telephone: (650) 242-4884 Facsimile: (650) 212-0081
12	
13	Attorneys for Lead Plaintiff THE NEW YORK CITY EMPLOYEES'
	RETIREMENT SYSTEM
14	
15	I, George A. Riley, am the ECF User whose ID and password are being used to file this
16	Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General
17	Order 45, X.B., I hereby attest that Douglas R. Young, Yohance C. Edwards and Michael J. Barry
18	have concurred in this filing.
19	Day /a/Carras A Dilas
20	By: <u>/s/ George A. Riley</u> George A. Riley
21	
	OPDED
22	ORDER
23	PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.
24	
25	DATED: Oct. 5 , 2010 The Honorable Let an Loge
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27	MP1:1199544.1
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