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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NO. C 07-05152 JW

In Re Apple & AT&TM Antitrust Litigation

**ORDER CONTINUING HEARING ON  
MOTIONS TO DISQUALIFY COUNSEL  
AND APPOINT LEAD COUNSEL**

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On February 7, 2008, the Court received a letter from Mark C. Rifkin, counsel for plaintiffs in a parallel New York action, Kliegerman v. Apple, Inc., S.D.N.Y No. 1:07-cv-08404-PKC. (See Docket Item No. 59.) Counsel seeks permission to file a proposed interim lead counsel motion in anticipation that the Kliegerman action will be transferred to this Court. Counsel represents that the transfer is imminent because the Kliegerman plaintiffs have consented to Defendant Apple's motion to transfer.

In light of this representation, and the Court's desire to mainstream this process, the Court continues the hearing on the motions re: disqualification and appointment of lead counsel currently set for March 10, 2007 to **April 7, 2008 at 9 A.M.** This continuance anticipates that the New York action will be transferred and related to this action by early March. Accordingly, the Court sets the briefing schedule as follows:

- (1) All Motions to disqualify and appoint lead counsel shall be filed and served by **March 3, 2007.**

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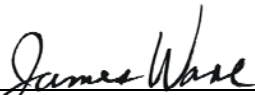
(2) All Oppositions shall be filed and served by **March 17, 2008**.

(3) All Replies, if any, shall be filed and served by **March 24, 2008**.

The parties may not stipulate to an alternative briefing schedule.

In light of this Order, Plaintiff Smith's Motion to Enlarge Time to File Motion (docket item no. 59) is denied as moot.

Dated: February 15, 2008

  
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JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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15 **Dated: February 15, 2008**

**Richard W. Wieking, Clerk**

16  
17 By:           /s/ JW Chambers            
18 **Elizabeth Garcia**  
19 **Courtroom Deputy**

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