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16 [Additional counsel appear on signature page]

17 UNITED STATES DISTRICT COURT

18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 SAN JOSE DIVISION

20 IN RE APPLE & AT&TM ANTITRUST )  
21 LITIGATION )

Master File No. C 07-05152 JW

22 ) **STIPULATION AND [PROPOSED]**  
23 ) **ORDER GRANTING PLAINTIFF'S**  
24 ) **ADMINISTRATIVE MOTION TO**  
25 ) **RELATE CASES UNDER L.R. 3-12**

26 \_\_\_\_\_ ) CRTRM: 8  
JUDGE: Hon. James Ware

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1 WHEREAS Plaintiff Herbert H. Kliegerman has filed an Administrative Motion to relate  
2 the cases of *Kliegerman v. Apple, Inc.*, Case No. C 08-948 (N.D. Cal.) (“*Kliegerman*”) and *In re*  
3 *Apple & AT&TM Anti-Trust Litigation*, Master File No. 07-CV-05152-JW (N.D. Cal.) (“*Apple*”),  
4 pursuant to Civil Local Rule 3-12 (the “Motion”).

5 WHEREAS the parties hereby stipulate and agree that the *Kliegerman* action is related to  
6 the *Apple* action as defined by Civil Local Rule 3-12(a).

7 THEREFORE, the parties hereby stipulate and agree that Plaintiff’s Administrative Motion  
8 to Relate Cases Under L.R. 3-12 should be granted and the *Kliegerman* action transferred to Judge  
9 Ware.

10 IT IS SO STIPULATED.

11 DATED: February 15, 2008

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DATED: February 15, 2008

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DATED: February 15, 2005

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

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THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT COURT JUDGE

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**DECLARATION REGARDING CONCURRENCE**

I, Francis M. Gregorek, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER GRANTING PLAINTIFF'S ADMINISTRATIVE MOTION TO RELATE CASES UNDER L.R. 3-12. In compliance with General Order 45.X.B, I hereby attest that Christopher S. Yates and Daniel A. Sasse have concurred in this filing.

DATED: February 15, 2008

WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP

\_\_\_\_\_  
/s/ Francis M. Gregorek  
FRANCIS M. GREGOREK

APPLE:15780.STIP/ORD