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9 Attorneys for Defendant
 APPLE INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

14 DAVID WALSH, an individual, DAVID
 KALUA, an individual, on behalf of
 15 themselves, and on behalf of all persons
 similarly situated,
 16
 Plaintiff,
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 v.
 18
 APPLE INC.,
 19
 Defendant.
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CASE NO. 05:08-cv-04918 JF

**[PROPOSED] ORDER GRANTING
 DEFENDANT APPLE INC.'S
 MOTION TO STRIKE AND FOR A
 MORE DEFINITE STATEMENT**

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1 The Motion to Strike and For a More Definite Statement filed by Defendant Apple Inc.
2 (“Apple”) came on regularly for hearing on Friday, March 13, 2009 at 9:00 a.m. in Courtroom 3
3 before the Honorable Jeremy Fogel. All parties were represented by counsel. The Court, having
4 heard the arguments of all parties and having considered all documents filed in support of and in
5 opposition to this motion, and good cause appearing,

6 IT IS HEREBY ORDERED THAT:

7 1. Apple’s Motion to Strike any references and attempts to incorporate California
8 Labor Code Sections 203 and 226 into Plaintiffs’ first claim for unfair competition under
9 Business and Professions Code Section 17200, *et seq.* is GRANTED, pursuant to Fed. R. Civ. P.
10 12(f).

11 2. Apple’s Motion for a More Definite Statement as to Plaintiffs’ first claim is
12 GRANTED, pursuant to Fed. R. Civ. P. 12(e). Plaintiffs shall file a Third Amended Complaint
13 no later than _____, and Apple shall answer or otherwise respond no later than
14 20 days after the filing and service of the Third Amended Complaint.

15 IT IS SO ORDERED.

16 Dated:

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18 _____
19 Judge Jeremy Fogel
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