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 APPLE INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DAVID WALSH, an individual, DAVID
 KALUA, an individual, on behalf of themselves,
 and on behalf of all persons similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant..

Case No. C 08-04918 JF

**[PROPOSED] ORDER GRANTING
 PRELIMINARY APPROVAL OF
 CLASS ACTION SETTLEMENT**

Date: February 26, 2010
 Time: 9:00 a.m.

Judge: Hon. Jeremy Fogel
 Ctrm: Dept. 3

1 The Court has before it Named Plaintiffs David Walsh and David Kalua's
2 unopposed motion for preliminary approval of a proposed class action settlement ("Settlement").
3 After reviewing the Motion for Preliminary Approval and the Stipulation and Settlement
4 Agreement of Class Action Claims ("Agreement") filed with the Court, the Court hereby finds
5 and orders as follows:

6 1. The Court finds on a preliminary basis that the Agreement appears to be fair,
7 adequate and reasonable, falls within the range of reasonableness, and therefore meets the
8 requirements for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes only the following class
10 ("Plaintiffs"):

11 All of Apple, Inc.'s current and former employees in the IS&T
12 and/or Global Computing Network Services ("GNCS") division in
13 the United States who were classified as exempt holding the job
14 titles of Network Engineer (levels 1 through 3), Telecommunication
15 Engineer (levels 1 through 3), Information Systems Engineer
16 (levels 1 through 3), Systems Engineer (levels 1 through 3),
17 Information Systems Analyst (levels 1 through 3), Tech/Info
18 Systems Analyst (levels 1 through 3), or substantially similar job
19 titles at levels 1, 2 and 3 who worked at any time from August 4,
20 2004 through the present on the list of Plaintiffs provided to the
21 Settlement Administrator.

22 3. The Court finds, for purposes of settlement only, that the Plaintiffs meet the
23 requirements for class certification under Fed. R. Civ. P. 23(a) and 23(b)(3) in that: (1) the
24 Plaintiffs are so numerous that joinder is impracticable; there are questions of law and fact that
25 are common to all Plaintiffs, which questions predominate over individual issues; (2) Named
26 Plaintiffs' claims are typical of the claims of the Plaintiffs; (3) the Named Plaintiffs and Class
27 Counsel will fairly and adequately protect the interests of the Plaintiffs; and (4) a class action is
28 superior to other available methods for the fair and efficient adjudication of the controversy.

 4. The Court appoints for settlement purposes only, Named Plaintiffs David Walsh
and David Kalua as class representatives for the Class.

 5. The Court appoints for settlement purposes only, Norman B. Blumenthal,
Blumenthal, Nordrehaug & Bhowmik, and Walter Haines, United Employees Law Group, as

1 Class Counsel for the Plaintiffs.

2 6. The Court appoints Gilardi & Co. as the Settlement Administrator.

3 7. The parties are ordered to carry out the settlement according to the terms of the
4 Agreement.

5 8. The Court orders the following schedule of dates for further proceedings:

6 a. Deadline for Settlement Administrator to mail Notices to Plaintiffs: [45 days after
7 entry of preliminary approval order granted]

8 b. Claims Deadline: [45 days after Notices mailed]

9 c. Objection/Exclusion Deadline: [45 days after Notices mailed]

10 d. Deadline for serving and filing Motion for Final Approval: [after
11 Objection/Exclusion Deadline]

12 e. Final Approval Hearing:

13 9. The Court approves, as to the form and content, the Class Notice (“Notice”),
14 attached hereto as Exhibit A, which informs Plaintiffs of the terms of the proposed Settlement, the
15 preliminary approval of the Settlement, and the scheduling of the Final Approval Hearing, and the
16 Claim Form and Opt In Form attached hereto as Exhibit B. The Court finds that the dates
17 selected for the mailing and distribution of the Notice, Claim Form and Opt In Form meet the
18 requirements of due process and provide the best notice practicable under the circumstances and
19 shall constitute due and sufficient notice to all persons entitled thereto.

20 IT IS SO ORDERED.

21
22 Dated:

23 _____
24 UNITED STATES DISTRICT COURT JUDGE
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