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9   **UNITED STATES DISTRICT COURT**

10   **SOUTHERN DISTRICT OF CALIFORNIA**

11   DAVID WALSH, an individual, on behalf of   CASE No. 3:08-cv-01410-JM-POR
  himself, and on behalf of all persons similarly
12   situated,   PROOF OF SERVICE

13

14   Plaintiff,

15   vs.

16   APPLE, INC.; and Does 1 to 10,

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18   Defendants.

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                   FIRST AMENDED CLASS ACTION COMPLAINT

CERTIFICATE OF SERVICE [F.R.C.P. §5]

I am a citizen of the United States and a resident of the State of California. I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 2255 Calle Clara, La Jolla, California 92037. On September 9, 2008, I served the document(s) described as below in the manner set forth below:

(1) **PLAINTIFF'S FIRST AMENDED COMPLAINT**

_XX_ (BY ELECTRONIC SERVICE): I caused the listed documents to be electronically filed through the CM/ECF system at the United States District Court for the Southern District of California which generates a Notice of Electronic Filing to all parties and constitutes service of the electronically filed documents on all parties for purposes of the Federal Rules of Civil Procedure.

_XX_ (Federal): I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made, and that the foregoing is true and correct under penalty of perjury.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 9, 2008 at San Diego, California.

By: _____*s/Norman B. Blumenthal*_____
Norman B. Blumenthal

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FIRST AMENDED CLASS ACTION COMPLAINT
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