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7 Attorneys for Defendant
 8 APPLE INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

13 REUBEN BERENBLAT, ANDREW
 14 PERSONETTE, EARL C. SIMPSON, LAURA
 MILLER, On behalf of themselves and all others
 15 similarly situated,

16 Plaintiffs,

17 v.

18 APPLE INC.,

19 Defendant.

Case No. C-08-04969 JF

**NOTICE OF NEED FOR ADR
 PHONE CONFERENCE**

21 Counsel report that they have met and conferred regarding ADR and that they:

22 have not yet reached an agreement to an ADR process

23 request an Early Settlement Conference with a Magistrate Judge

24 **Date of Case Management Conference: June 19, 2009 at 10:30 a.m.**

25 In light of Apple's pending motion to dismiss, the parties believe it would be premature to
 26 hold an ADR phone conference in the *Berenblat* action at this time. The parties will discuss the
 27 necessity and timing of such a conference with the Court during the Case Management
 28 Conference.

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Dated: June 3, 2009

MORRISON & FOERSTER LLP

By: /s/ Penelope A. Preovolos
Penelope A. Preovolos

Attorneys for Defendant
APPLE INC.

Dated: June 3, 2009

CALDWELL LESLIE & PROCTOR, PC

By: /s/ Robyn C. Crowther
Robyn C. Crowther

Attorneys for Plaintiffs

Dated: June 3, 2009

MEISELMAN, DENLEA, PACKMAN,
CARTON & EBERZ P.C.

By: /s/ Christine M. Ford
Christine M. Ford

Attorneys for Plaintiffs

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Notice of Need for ADR Phone Conference. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a “conformed” signature (/s/) within this efiled document.

By: /s/Penelope A. Preovolos
Penelope A. Preovolos