

1 PENELOPE A. PREVOLOS (CA SBN 87607)  
 (PPrevolos@mofo.com)  
 2 ANDREW D. MUHLBACH (CA SBN 175694)  
 (AMuhlbach@mofo.com)  
 3 ALEXEI KLESTOFF (CA SBN 224016)  
 (AKlestoff@mofo.com)

4 MORRISON & FOERSTER LLP  
 5 425 Market Street  
 San Francisco, California 94105-2482  
 6 Telephone: 415.268.7000  
 Facsimile: 415.268.7522

7 Attorneys for Defendant  
 8 APPLE INC.

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 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.

20 THOMAS WAGNER, SCOTT MEYERS, On  
 21 behalf of themselves and all others similarly  
 situated,

22 Plaintiffs,

23 v.

24 APPLE INC.,

25 Defendant.

Case No. C-08-04969 JF  
 Case No. C-09-01649 JF

**DECLARATION OF ALEXEI  
 KLESTOFF IN SUPPORT OF  
 APPLE INC.'S MOTION TO  
 DISMISS SECOND AMENDED  
 COMPLAINT**

Date: February 5, 2010  
 Time: 9:00 am  
 Courtroom: 3

1 I, Alexei Klestoff, declare:

2 1. I am an associate in the law firm of Morrison & Foerster LLP, counsel of record for  
3 defendant Apple Inc. in the above-entitled case. I am admitted to practice before the United  
4 States District Court for the Northern District of California. I have personal knowledge of the  
5 facts set forth in this declaration.

6 2. Attached as Exhibit A is a true and correct copy of Apple's AppleCare Protection  
7 Plan.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct.

10 Executed this 5th day of November, 2009, at San Francisco, California.

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12 \_\_\_\_\_  
13 /s/ Alexei Klestoff  
14 Alexei Klestoff

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I, Penelope A. Prevolos, am the ECF User whose ID and password are being used to file  
this Declaration. 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: \_\_\_\_\_  
Penelope A. Prevolos