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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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

Plaintiffs,

v.

APPLE INC.,

Defendant.

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

Plaintiffs,

v.

APPLE INC.,

Defendant.

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

**[PROPOSED] ORDER  
GRANTING APPLE INC.'S  
MOTION TO DISMISS THE  
SECOND AMENDED  
COMPLAINT**

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**ORDER**

Having considered the papers filed by the parties in connection with Apple Inc.'s motion and the parties' arguments at the hearing on this matter, and for good cause shown, the Court hereby GRANTS Apple's motion and dismisses plaintiff's Second Amended Complaint with prejudice.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Judge