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 19 Simpson, Miller and all others similarly situated

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17 REUBEN BERENBLATT, ANDREW
 18 PERSONETTE, EARL C. SIMPSON, LAURA
 19 MILLER, On behalf of themselves and
 20 all others similarly situated,
 21
 22 Plaintiffs,
 23
 24 v.
 25 APPLE INC.,
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 27 Defendant.
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 29 THOMAS WAGNER, SCOTT MEYERS, On
 30 behalf of themselves and all others similarly
 31 situated,
 32
 33 Plaintiffs,
 34
 35 v.
 36 APPLE INC.,
 37
 38 Defendant.

Case No. C-08-04969 JF (PVT)
 Case No. C-09-01649 JF (PVT)

**STIPULATION AND
 [PROPOSED] ORDER
 REQUESTING CONTINUANCE
 OF CASE MANAGEMENT
 CONFERENCE**

1 Pursuant to Local Rules 6-2, 7-12 and 16-2(e), the parties, by and through their
2
3 respective counsel, hereby stipulate and request as follows:

4 WHEREAS, Plaintiffs filed a Second Amended Complaint in the *Berenblatt* action
5 and a First Amended Complaint in the *Wagner* action on September 21, 2009;

6 WHEREAS, Defendant filed its Motion to Dismiss the amended complaints (the
7
8 “Motion”) on November 5, 2009;

9 WHEREAS, the Motion is currently noticed for hearing on February 5, 2010;

10 WHEREAS, the Court scheduled a Case Management Conference for November
11
12 13, 2009;

13 WHEREAS, for the convenience of counsel and the Court the parties request that
14 the Case Management Conference and hearing on the Motion be held on the same date,
15 February 5, 2010;

16 WHEREAS, the continuance of the Case Management Conference will not affect
17
18 any other deadlines in this action;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the
20 Case Management Conference currently scheduled for November 13, 2009 shall be
21 continued to February 5, 2010.
22

23 Dated: November 9, 2009

Caldwell Leslie & Proctor, PC

24
25 By: /s/ Robyn C. Crowther
26 Robyn C. Crowther
27 Attorneys for Plaintiffs Berenblatt,
28 Personette, Simpson and Miller

1 Dated: November 9, 2009

GIRARD GIBBS, LLP

2

By: /s/ Eric H. Gibbs
Eric H. Gibbs
Attorneys for Plaintiffs Wagner
and Meyers

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Dated: November 9, 2009

Morrison & Foerster LLP

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By: /s/ Andrew D. Muhlbach
Andrew D. Muhlbach
Attorneys for Defendant

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Filer's Attestation: Pursuant to General Order No. 45.1, I, Robyn C. Crowther attest that I
obtained concurrence in the filing of this document from the other signatories.

10

11

PROPOSED ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

13

Dated: November 12, 2009

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The Honorable Jeremy Fogel
United States District Judge

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