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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

James Pittman, et al.,

Haig Ashikian, et al.,

Peter Keller, et al.,

William Gillis, et al.,

Aaron Walters, et al.,

 Plaintiffs,

 v.

Apple, Inc.,

 Defendant.

NO. C 08-05375 JW
NO. C 08-05810 JW
NO. C 09-00121 JW
NO. C 09-00122 JW
NO. C 09-00187 JW

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
SETTING HEARING ON MOTION RE:
CONSOLIDATION AND APPOINTMENT
OF INTERIM CLASS-COUNSEL**

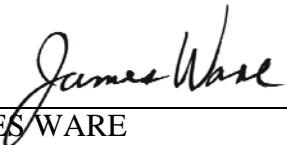
On March 9, 2009, the parties in the above entitled cases are scheduled to appear for a Case Management Conference. The parties timely submitted a Joint Case Management Statement. (Docket Item No. 22.) In their Joint Statement, the parties represent that they have stipulated to consolidate the related cases pending before the Court, and have stipulated to a leadership structure for the proposed consolidated action. (See Docket Item Nos. 16-17, 21.) The Court, however, finds that the issues of consolidation and appointment of interim class-counsel are appropriately addressed

1 by making a formal motion to the Court so that the Court may evaluate the best “leadership
2 structure” for the class.

3 Accordingly, the parties shall appear on **April 13, 2009 at 9:00 a.m.** for a hearing on the
4 parties’ anticipated Motion for Consolidation and Appointment of Interim Class-Counsel. Any party
5 may file a motion for appointment of Interim Class-Counsel. The parties shall file any such motion
6 on or before **March 20, 2009**. Any opposition shall be filed on or before **March 30, 2009**. Any
7 replies shall be filed on or before **April 2, 2009**.

8 In light of this determination, the Court finds that a Case Management Conference is
9 premature at this time. Accordingly, the Court continues the Case Management Conference to **April**
10 **13, 2009 at 10 a.m.** On or before **April 3, 2009**, the parties shall file a Joint Case Management
11 Statement. The Statement shall include, among other things, the parties’ good faith discovery plan
12 with a proposed date for the close of both class and merit discovery.

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14 Dated: March 5, 2009



JAMES WARE
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Alan McQuarrie Mansfield alan@rosnerandmansfield.com
3 Andrew David Muhlbach amuhlbach@mofo.com
4 Gordon M. Fauth gmf@classlitigation.com
5 Heather A. Moser hmoser@mofo.com
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7

8 **Dated: March 5, 2009**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

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