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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,  
\_\_\_\_\_/

Haig Ashikian,  
\_\_\_\_\_/

Peter Keller,  
\_\_\_\_\_/

William Gillis,  
\_\_\_\_\_/

Aaron Walters,  
\_\_\_\_\_/

Eulardi Tanseco,  
\_\_\_\_\_/

Jacob Medway,  
\_\_\_\_\_/

Plaintiffs,  
v.  
Apple, Inc.,  
Defendant.  
\_\_\_\_\_ /

NO. C 08-05375 JW  
NO. C 08-05810 PVT  
NO. C 09-00121 RMW  
NO. C 09-00122 JF  
NO. C 09-00187 JF  
NO. C 09-00275 RS  
NO. C 09-00330 JSW

**ORDER RELATING CASES; DIRECTING PARTICIPATION IN SCHEDULED BRIEFING**

Presently before the Court is a Motion for Administrative Relief to consider whether the following cases should be related: Pittman v. Apple, Inc., Case No. C 08-05375 JW; TanESCO v. Apple, Inc., Case No. C 09-00275 RS; and Medway v. Apple, Inc., Case No. 09-00330 JSW. (See Docket Item No. 18.)

1 Civil Local Rule 3-12(a) provides that an action is related to another when:  
2 (1) The actions concern substantially the same parties, property, transaction or event; and  
3 (2) It appears that there will be an unduly burdensome duplication of labor and expense  
4 or conflicting results if the cases are conducted before different judges.

5 Upon review, the Court finds that the above cases are related within the meaning of Rule 3-  
6 12(a). Accordingly, the Court orders the Clerk of Court to relate the above cases to C 08-05375 JW.  
7 In light of this finding, the Court VACATES pending calendar dates in the Tanseco and Medway  
8 cases. All filings shall continue to be filed in each separate action until consolidation or further  
9 order of the Court.


10 On March 9, 2009, the parties in the five previously related cases were scheduled to appear  
11 for a Case Management Conference. On March 5, however, the Court vacated the Case  
12 Management Conference and instructed the parties that the issues of consolidation and appointment  
13 of interim class-counsel are appropriately addressed by making a formal motion to the Court so that  
14 the Court may evaluate the best "leadership structure" for the class. The Court directed the parties  
15 as follows:

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

22 In light of this determination, the Court finds that a Case Management  
23 Conference is premature at this time. Accordingly, the Court continues the Case  
24 Management Conference to **April 13, 2009 at 10 a.m.** On or before **April 3,**  
25 **2009,** the parties shall file a Joint Case Management Statement. The Statement  
26 shall include, among other things, the parties' good faith discovery plan with a  
27 proposed date for the close of both class and merit discovery.

28 (Docket Item No. 25 at 2.) Accordingly, counsel in the Medway and Tanseco cases shall participate  
in the above scheduled briefing on the issues of consolidation and appointment of interim class  
counsel.

Dated: March 13, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

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

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9 William James Doyle bill@doylelowther.com

10 **Dated: March 13, 2009**

**Richard W. Wieking, Clerk**

11 **By:           /s/ JW Chambers**

**Elizabeth Garcia**  
**Courtroom Deputy**

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