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9 Attorneys for Defendant
 10 APPLE INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 ARAM HOVSEPIAN, individually and on
 16 behalf of all others similarly situated,
 Plaintiff,
 17
 18 vs.
 19 APPLE INC. and DOES 1-10 inclusive,
 Defendant.

CASE NO. C 08-05788 JF

CASE NO. TO BE RELATED: C 09-01064 RS

**DEFENDANT APPLE INC.'S UNOPPOSED
 ADMINISTRATIVE MOTION TO HAVE
 CASES RELATED**

[CIVIL L.R. 3-12 AND 7-11]

21 _____
 22 ROMAN HUF, on behalf of himself and all
 other similarly situated,
 23 Plaintiff,
 24 vs.
 25 APPLE INC.,
 26 Defendant.

Complaint Filed: December 31, 2008

Hon. Jeremy Fogel

1 **NOTICE OF MOTION AND MOTION**

2 PLEASE TAKE NOTICE THAT, pursuant to Civil Local Rules 3-12 and 7-11, Defendant
3 Apple Inc. (“Apple”) requests an order from this Court that the following pending actions are
4 related: *Aram Hovsepian v. Apple Inc.*, Case No. C 08-05788 JF, and *Roman Huf v. Apple Inc.*,
5 Case No. C 09-01064 RS.

6 These actions are related pursuant to Local Rule 3-12 because they involve substantially
7 the same transaction or event. Relating the cases will avoid unduly burdensome duplication of
8 labor and expense, as well as the risk of conflicting results. Pursuant to L.R. 7 11(a), counsel for
9 Apple has conferred with counsel for Plaintiff Roman Huf regarding this motion, and Huf’s
10 counsel does not oppose the relating of the two cases.

11 This Motion is based on Civil Local Rules 3-12 and 7-11; this Notice of Motion and
12 Motion; the attached Memorandum of Points and Authorities; and the Stipulation and [Proposed]
13 Order Relating Cases, filed concurrently herewith; and the pleadings, papers and other documents
14 on file in this action and in the *Huf v. Apple* action along with any evidence and argument
15 presented at the hearing in this matter.

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **I. INTRODUCTION AND BACKGROUND**

18 *Hovsepian v. Apple* (“*Hovsepian Action*”) and the recently-filed case, *Huf v. Apple* (“*Huf*
19 *Action*”), involve allegations relating to the same alleged defect (vertical lines in the computer
20 display) in the same computer (Apple’s iMac). Further, both cases involve plaintiffs who
21 experienced the alleged defect after the expiration of the identical limited one-year warranty.¹

22 ¹ On December 31, 2008, Plaintiff Aram Hovsepian filed a class action complaint against Apple alleging,
23 among other things, violation of California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.* (the
24 “UCL”), breach of the implied warranty of merchantability, and unjust enrichment. (Docket No. 1.) Plaintiff
25 Hovsepian alleges that he experienced “vertical lines” on the display screen of his iMac after Apple’s limited, one-
26 year warranty expired. (Docket No. 1 at ¶¶ 8-12, 52.) Plaintiff filed an amended complaint on April 17, 2009.
27 Apple’s response is due by June 1, 2009. No discovery has taken place in the *Hovsepian Action*.

28 On March 11, 2009, Plaintiff Roman Huf filed a class action complaint against Apple alleging similar causes of
action. Plaintiff Huf also alleges he experienced “vertical lines” on the display screen of his iMac after Apple’s
limited, one-year warranty expired. (*Huf Cmpl.* at ¶¶ 1, 26-29.) On May 4, 2009, Apple filed its Motion to Dismiss
and Motion to Strike the *Huf* complaint. The *Huf Action* has been assigned to the Honorable Magistrate Judge
Richard Seeborg. (Docket No. 1.) On May 8, 2009, concurrently with this motion, Apple filed a declination to
proceed before a magistrate judge and requested reassignment to a United States District Court Judge. No discovery
has taken place in the *Huf Action*.

