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10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 **NAOTAKA KITAGAWA, JR.,**
TIMOTHY J. BROAD and JESSE
 16 **REISMAN, on behalf of themselves and**
all others similarly situated,

17 **Plaintiffs,**

18 **v.**

19 **APPLE, INC., and, DOES 1 THROUGH**
50, inclusive,

20 **Defendants**

Case No. 09-cv-01911-JW

**ADMINISTRATIVE
 MOTION TO CONSIDER
 WHETHER CASES SHOULD
 BE RELATED**

LOCAL RULE 3-12

22
 23 Apple Inc. ("Apple") hereby moves pursuant to Local Rule 3-12(b) for a determination
 24 that *Tracey Hackwith, et al. v. Apple Inc.*, Northern District of California, San Jose Division, Case
 25 No. 09-cv-03862 RMW ("*Hackwith*"), is a "related case" to *Naotaka Kitagawa, et al. v. Apple*
 26 *Inc.*, Northern District of California, San Jose, Case No. 09-cv-01911 JW ("*Kitagawa*"), within
 27 the meaning of Local Rule 3-12(a).
 28

1 The nature of the relationship between the newly-transferred *Hackwith* action and the
2 older *Kitagawa* action is that: (1) the cases all assert claims against the same lone defendant,
3 Apple; (2) the putative plaintiff classes in the actions overlap; and (3) the cases require
4 determination of the same or substantially the same questions of fact and law. Specifically, all of
5 the actions focus on (i) allegedly defective Magsafe Power Adapters, based on manufacturing
6 and/or design processes that allegedly result in the adapters failing when used as intended, and
7 (ii) whether Apple knew of these alleged defects and/or improperly marketed the product.¹

8 Due to their similarity, if not treated as related, these cases are likely to require substantial
9 duplication of labor and expense and present a potential danger of inconsistent rulings regarding
10 the same issues of law. Given the closely related nature of each of these cases, the treatment of
11 these actions as related would serve the interests of judicial economy and avoid the potential for
12 conflicting rulings.

13 Accordingly, Apple asks this Court to enter an order relating the *Hackwith* action to the
14 *Kitagawa* action.

15 Dated: September 4, 2009

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22 APPLE INC.

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25
26 ¹ Apple does not by this stipulated Motion concede any of the factual allegations of the
27 cases or that certification of the putative classes is proper under Federal Rules of Civil Procedure,
28 Rule 23.