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

Naotaka Kitagawa, Jr., et al.,  
\_\_\_\_\_ /

No. C 09-01911 JW  
No. C 09-03862 JW

Tracey Hackwith, et al.,  
\_\_\_\_\_ /

**ORDER VACATING CASE MANAGEMENT  
CONFERENCE; SETTING HEARING FOR  
MOTIONS TO CONSOLIDATE CASES AND  
TO APPOINT INTERIM CLASS COUNSEL**

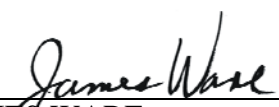
Plaintiffs,

v.

Apple, Inc., et al.,  
Defendants.  
\_\_\_\_\_ /

This case is scheduled for a Case Management Conference on October 19, 2009. The parties submitted a Joint Case Management Statement. (See Docket Item No. 27.) Based on their joint submission, the Court finds that a Conference is premature at this time. Accordingly, the Court VACATES the October 19, 2009, Case Management Conference. In light of the parties' representation that they intend to move to consolidate the cases (see Joint Statement at 4), the Court orders as follows: On **November 23, 2009 at 9 a.m.**, the Court will conduct a hearing on the parties' anticipated motion for consolidation and any motion for the appointment of interim class counsel. The parties shall notice and brief their motions pursuant to the applicable Civil Local Rules.

Dated: October 15, 2009

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

United States District Court  
For the Northern District of California

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

- 2 Alexei Klestoff aklestoff@mofo.com
- 3 Alreen Haeggquist alreenh@zhlaw.com
- 4 Andrew David Muhlbach amuhlbach@mofo.com
- 5 Craig L. Briskin cbriskin@findjustice.com
- 6 Heather A. Moser hmoser@mofo.com
- 7 Helen I. Zeldes helenz@zhlaw.com
- 8 Penelope Athene Preovolos ppreovolos@mofo.com

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**Dated: October 15, 2009**

**Richard W. Wieking, Clerk**

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**By: /s/ JW Chambers  
Elizabeth Garcia  
Courtroom Deputy**

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**United States District Court**  
For the Northern District of California