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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Case No. C 09-01911 JW

TRACEY HACKWITH, MAXX SCHOLTEN AND MICHAEL MARTIN, Individually and On Behalf of All Others Similarly Situated,

Case No. C 09-03862 JW

Plaintiffs,

[PROPOSED] ORDER APPOINTING INTERIM CLASS COUNSEL

v.

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

The Honorable Judge James Ware

Defendants.

[PROPOSED] ORDER APPOINTING INTERIM CLASS COUNSEL
Case No. C 09-01911 JW
Case No. C 09-03862 JW

1 An unopposed Motion for Appointment of Interim Class Counsel has been filed. On the
2 basis of the material submitted to the Court, an in order to promote the just, expedition and cost-
3 effective resolution of this litigation,

4 IT IS HEREBY ORDERED:

5 **I. APPOINTMENT OF INTERIM CLASS COUNSEL**

6 **A. Interim Class Counsel**

7
8 The Counsel listed below are designated to act on behalf of plaintiffs in these actions and all
9 subsequently filed actions:

10 **ZELDES & HAEGGQUIST, LLP**

11 HELEN I. ZELDES (220051)
12 ALREEN HAEGGQUIST (221858)
13 625 Broadway, Suite 906
14 San Diego, CA 92101
15 Telephone: 619/342-8000
16 Fax: 619/342-7272

17 MEHRI & SKALET, PLLC
18 STEVEN A. SKALET (*pro hac vice*)
19 CRAIG L. BRISKIN (*pro hac vice*)
20 1250 Connecticut Ave. NW, Suite 300
21 Washington, DC 20036
22 Telephone: 202/822-5100
23 Fax: 202/822-4997

24 **B. Responsibilities of Interim Class Counsel:**

25 1. Interim Class Counsel are expected to maintain communications and promote
26 harmonious dealings among all plaintiffs' counsel. In addition, Interim Class Counsel shall provide
27 general supervision of the activities of plaintiffs' counsel.

28 2. Interim Class Counsel shall also maintain lists of all plaintiffs' counsel and
their respective addresses and will be responsible for receiving and distributing to all plaintiffs'
counsel in the action all notices, orders and other communications from the Court. Interim Class
Counsel shall keep complete files of all materials received and make those materials available for
inspection at reasonable hours.

[PROPOSED] ORDER APPOINTING INTERIM CLASS COUNSEL

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3. No pleadings or other papers shall be filed or tasks performed by plaintiffs without the advance approval of plaintiffs' Interim Class Counsel. No discovery shall be conducted by plaintiffs without the advance approval of plaintiffs' Interim Class Counsel. This is intended to prevent duplication of pleadings, discovery or tasks by plaintiffs' counsel. All pleadings or other papers filed with the Court on behalf of plaintiffs shall be filed through plaintiffs' Interim Class Counsel.

4. All plaintiffs' counsel shall submit to plaintiffs' Interim Class Counsel a record of time expended and expenses incurred in the manner, form and frequency directed by Interim Class Counsel.

II. MISCELLANEOUS

A. Counsel for all parties are directed to cooperate with one another, wherever possible to promote the expeditious handling of pretrial proceedings in this action.

B. Except as otherwise agreed, defendant shall effect service of papers on plaintiffs by serving a copy of same on Zeldes & Haeggquist, LLP's San Diego office and on Mehri & Skalet's Washington, D.C. office and (1) in PDF format by electronic mail and U.S. Mail on the date such service is due, or (2) via overnight delivery one day prior to the date on which service is due. Defendant shall serve all other plaintiffs' counsel via U.S. Mail on the date such service is due. Plaintiffs shall effect service of papers on defendant by serving a copy of same on defendant (1) in PDF format by electronic mail and U.S. Mail on the date such service is due, or (2) via overnight delivery one day prior to the date on which service is due, and all other defense counsel via U.S. Mail on the date service is due.

C. All subsequent pretrial orders issued in this proceeding shall be numbered consecutively. Any reference to an order of this Court in any document filed with this Court shall include the proper number of the Order.

1 D. This Order may be amended by the Court on its own motion and any party may apply
2 at any time to this Court for a modification or exception to this Order.

3 * * *

4 **ORDER**

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6 IT IS SO ORDERED.

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9 DATED: _____ THE HONORABLE JAMES WARE
10 UNITED STATES DISTRICT JUDGE
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28 [PROPOSED] ORDER APPOINTING INTERIM CLASS COUNSEL
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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2009, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List and Service List.

/s/ HELEN I. ZELDES
HELEN I. ZELDES

ZELDES & HAEGGQUIST, LLP
HELEN I. ZELDES
ALREEN HAEGGQUIST
625 Broadway, Suite 906
San Diego, CA 92101
Telephone: 619/342-8000
Fax: 619/342-7272

[PROPOSED] ORDER APPOINTING INTERIM CLASS COUNSEL
Case No. C 09-01911 JW
Case No. C 09-03862 JW

1 **Mailing Information for a Case No. 5:09-cv-01911-JW**

2 **Electronic Mail Notice List**

3 The following are those who are currently on the list to receive e-mail notices for this case:

4 Alexei Klestoff aklestoff@mofo.com, mgimenez@mofo.com

5 Alreen Haeggquist alreenh@zhlaw.com, judyj@zhlaw.com

6 Andrew David Muhlbach amuhlbach@mofo.com, mgimenez@mofo.com

7 Craig L. Briskin cbriskin@findjustice.com, Pleadings@findjustice.com

8 Heather A. Moser hmoser@mofo.com, cpeplinski@mofo.com

9 Helen I. Zeldes helenz@zhlaw.com

10 Penelope Athene Preovolos ppreovolos@mofo.com, kfranklin@mofo.com

11 **Manual Notice List**

12 The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case
13 (who therefore require manual noticing).

14 Steven A Skalet
15 Mehri & Skalet, PLLC
16 1250 Connecticut Avenue NW
Suite 300
Washington, DC 20036

17 **Mailing Information for a Case No. 5:09-cv-03862-JW**

18 **Electronic Mail Notice List**

19 The following are those who are currently on the list to receive e-mail notices for this case:

20 Alexei Klestoff aklestoff@mofo.com, mgimenez@mofo.com

21 Andrew David Muhlbach amuhlbach@mofo.com, mgimenez@mofo.com

22 Angela C Agrusa aagrusa@linerlaw.com

23 Anne Hunter ahunter@mofo.com

24 Anthony David Sbardellati asbardellati@linerlaw.com, vstapleton@linerlaw.com

25 Byron T Ball btb@balllawllp.com

26 Heather A Moser hmoser@mofo.com

27 [PROPOSED] ORDER APPOINTING INTERIM CLASS COUNSEL
28 Case No. C 09-01911 JW
Case No. C 09-03862 JW

1 James Patrick Sutton psutton@suttonkleinman.com

2 Keri Montrose kmontrose@jrsfllp.com

3 Matthew S McNicholas msm@mcnicholaslaw.com

4 Michael J Saltz msaltz@jrsfllp.com

5 Patrick McNicholas mel@mcnicholaslaw.com

6 Penelope A Preovolos ppreovolos@mofo.com

7 Penelope Athene Preovolos ppreovolos@mofo.com, kfranklin@mofo.com

8 **Manual Notice List**

9 The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case
10 (who therefore require manual noticing):

- 11 • No manual recipients

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[PROPOSED] ORDER APPOINTING INTERIM CLASS COUNSEL
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