

1 PENELOPE A. PREVOLOS (CA SBN 87607)
 (PPrevolos@mofo.com)
 2 ANDREW D. MUHLBACH (CA SBN 175694)
 (AMuhlbach@mofo.com)
 3 ANNE M. HUNTER (CA SBN 221455)
 (AHunter@mofo.com)
 4 ALEXEI KLESTOFF
 (AKlestoff@mofo.com)
 5 MORRISON & FOERSTER LLP
 425 Market Street
 6 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 7 Facsimile: 415.268.7522

8 Attorneys for Defendant
 APPLE INC.

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

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

16 Plaintiffs,

17 v.

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

19 Defendants.

Case No. C 09-01911 RS

**DECLINATION TO PROCEED
 BEFORE A MAGISTRATE
 JUDGE AND REQUEST FOR
 REASSIGNMENT TO A UNITED
 STATES DISTRICT JUDGE**

Complaint filed: May 1, 2009

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: July 2, 2009

PENELOPE A. PREVOLOS
ANDREW D. MUHLBACH
ANNE M. HUNTER
ALEXEI KLESTOFF
MORRISON & FOERSTER LLP

By: /s/ Penelope A. Prevolos
Penelope A. Prevolos

Attorneys for Defendant
APPLE INC.