

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

In re: MagSafe Apple Power Adapter
Litigation

NO. C 09-01911 JW

**ORDER REQUESTING REVISED
PROPOSED ORDER FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT;
REVISED NOTICE OF PENDENCY AND
PROPOSED SETTLEMENT OF CLASS
ACTION; AND REVISED CLAIM FORM**

Presently before the Court is Plaintiffs' Proposed Order Granting Conditional Certification of a Settlement Class, Approval of Forms and Methods of Notice, and Preliminary Approval of Settlement Agreement and Release. (hereafter, "Proposed Order," Docket Item No. 75.) The Proposed Order relates to Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement. (hereafter, "Motion," Docket Item No. 70.) The Court conducted a hearing on September 12, 2011. Upon review, the Court finds that several revisions to the Proposed Order, Notice of Pendency and Proposed Settlement of Class Action and Claim Form are required.

First, in the Proposed Claim Form, the parties state that a class claimant must submit the completed Claim Form and Proof of Purchase for the claimant's Replacement Adapter. (hereafter "Claim Form," Docket Item No. 70-5 at 2.) The Claim Form also defines the types of "Proof of Purchase" that will be accepted. (Id.) Based on the concerns raised by the Court at the hearing, the parties' Proposed Claim Form shall be revised with respect to the requirement of proof of purchase to add the language bolded below:

You must attach a Proof of Purchase of your Replacement Adapter to your Claim

Form. "Proof of Purchase" means an invoice, receipt or other document (such as a credit card statement or cancelled check) evidencing that the product you purchased was a Replacement Adapter, the price paid, date of purchase, and the name and address of the entity from whom the Replacement Adapter was purchased. If the Proof of Purchase does not specifically identify the purchase of a Replacement Adapter or the price paid, you may submit a receipt, bank or credit card statement, or Apple email receipt, showing a purchase from any Apple store (online or in-person) in the amount of \$79 or greater, and must declare in the Claim Form that the product purchased was a Replacement Adapter, state the price paid (if not shown in the Proof of Purchase), and highlight the item in the Proof of Purchase that includes the Replacement Adapter. **If you cannot locate any of the documents above, you may submit the unique product identification number found on your Replacement Adapter, the approximate date on which your Replacement Adapter was purchased, and the price paid for your Replacement Adapter, and must declare in the Claim Form that you purchased the product as a Replacement Adapter.**

(See Claim Form at 2.)

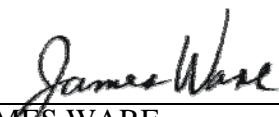
Second, the Proposed Notice of Pendency And Proposed Settlement of Class Action states:

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from *In re Magsafe Apple Power Adapter Litigation*, Case No. C09-01911-JW. Be sure to include your name, address, telephone number, the serial number of your Subject Computer, and your signature. You must mail your exclusion request postmarked no later than _____, to: [Claims Administrator].¹

(Docket Item No. 70-2 at 8.) The parties' proposed Notice of Pendency And Proposed Settlement of Class Action and Claim Form shall be revised to allow class members to opt-out of the class by mailing the Claim Form—completed with the claimant's name, address, telephone number, the serial number of the Subject Computer and the claimant's signature—to the Claims Administrator.

Accordingly, on or before **September 16, 2011**, the parties shall file a revised Proposed Order for Preliminary Approval of Class Action Settlement, revised Notice of Pendency And Proposed Settlement of Class Action and revised Claim Form which shall include the changes identified above for the Court's approval.

Dated: September 14, 2011


JAMES WARE
United States District Chief Judge

¹ The most current Proposed Order identifies the Claims Administrator as Kurtzman Carson Consultants. (Proposed Order at 3.)

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

Alexei Klestoff aklestoff@mofo.com
Alreen Haeggquist alreenh@zhlaw.com
Andrew David Muhlbach amuhlbach@mofo.com
Angela Christine Agrusa aagrusa@linerlaw.com
Anne M. Hunter Ahunter@mofo.com
Craig L. Briskin cbriskin@findjustice.com
Helen I. Zeldes helenz@zhlaw.com
Keri Montrose kmontrose@jrsfllp.com
Michael Jeffrey Saltz msaltz@jrsfllp.com
Patrick McNicholas mel@mcnicholaslaw.com
Penelope Athene Preovolos ppreovolos@mofo.com
Steven A. Skalet sskalet@findjustice.com

Dated: September 14, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy