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 19 and all others similarly situated

20 **UNITED STATES DISTRICT COURT**  
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 REUBEN BERENBLAT, ANDREW  
 23 PERSONETTE, EARL C. SIMPSON,  
 24 LAURA MILLER, On behalf of  
 25 themselves and all others similarly situated,

26 Plaintiffs,

27 v.

28 APPLE INC.,

Defendants.

Case No. C-08-04969 JF

**STIPULATION AND [PROPOSED]  
 ORDER REQUESTING  
 CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE**

Pursuant to Local Rules 6-2, 7-12 and 16-2(e), the parties, by and through their respective counsel, hereby stipulate and request as follows:

WHEREAS, Plaintiffs filed a First Amended Complaint on April 2, 2009;

WHEREAS, Defendant filed its Motion to Dismiss (the "Motion") on June 1, 2009;

WHEREAS, the Motion is currently noticed for hearing on August 14, 2009;

1 WHEREAS, in accordance with a Stipulation and Order dated February 26, 2009,  
2 the Court scheduled a Case Management Conference for June 19, 2009;

3 WHEREAS, for the convenience of counsel and the Court the parties request that  
4 the Case Management Conference and hearing on the Motion be held on the same date,  
5 August 14, 2009;

6 WHEREAS, the continuance of the Case Management Conference will not affect  
7 any other deadlines in this action;

8 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that, upon an  
9 order from the Court as required under Local Rule 16-2(e), the Case Management  
10 Conference currently scheduled for June 19, 2009 shall be continued to August 14, 2009.

11 Dated: June 4, 2009

Caldwell Leslie & Proctor, PC

12  
13 By: /s/ Robyn C. Crowther  
14 Robyn C. Crowther  
15 Attorneys for Plaintiff

16 Dated: June 4, 2009

Morrison & Foerster LLP

17 By: /s/ Andrew D. Muhlbach  
18 Andrew D. Muhlbach  
19 Attorneys for Defendant

20 *Filer's Attestation:* Pursuant to General Order No. 45.1, I, Robyn C. Crowther attest that I  
21 obtained concurrence in the filing of this document from the other signatories.

22 **PROPOSED ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: June \_\_, 2009

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The Honorable Jeremy Fogel  
United States District Judge