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8 Attorneys for Defendant
9 APPLE INC.

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

14 In re Apple and AT&T iPad Unlimited Data Plan
15 Litigation

16 ALL CONSOLIDATED ACTIONS

Case Nos. 5:10-cv-02553 RMW

CLASS ACTION

**STIPULATION AND []
ORDER FOR CONSOLIDATION**

The Hon. Ronald M. Whyte

Master Consolidated Complaint filed:
December 10, 2010

1 WHEREAS, *Weisblatt et. al v. Apple Inc. et al.* (N.D. Cal. Case No. 5:10-cv-02553-
2 RMW) (the “*Weisblatt*” action) was filed on June 9, 2010;

3 WHEREAS, *Logan v. Apple Inc. et. al.* (N. D. Cal. Case No. 5:10-cv-02588-RMW) (the
4 “*Logan*” action) was filed on June 11, 2010;

5 WHEREAS, *Osetek v. Apple Inc.* (N.D. Cal. Case No. 5:10-cv-04253-RMW) (the
6 “*Osetek*” action) was filed on September 20, 2010;

7 WHEREAS, on December 15, 2010, this Court entered an Order consolidating the
8 *Weisblatt*, *Logan*, and *Osetek* actions for all purposes pursuant to Federal Rule of Civil Procedure
9 42 (ECF No. 66);

10 WHEREAS, on January 25, 2011, this Court entered Case Management Order No. 1,
11 which “govern[s] and control[s] all procedures and proceedings in the...consolidated actions and
12 any related actions which may be made part of these consolidated proceedings.” (ECF No. 79)
13 (“CMO No. 1”);

14 WHEREAS, Plaintiff Aaron Friedman filed *Friedman v. Apple Inc. et al.* (the “*Friedman*
15 action”) on November 22, 2010 in the Southern District of California;

16 WHEREAS, the *Friedman* action was assigned to Judge Sammartino as Case No. 3:10-
17 cv-02403-JSL-POR.

18 WHEREAS, the *Friedman* action raises factual and legal issues similar to those raised in
19 the above-captioned consolidated action, against the same defendants on behalf of overlapping
20 putative classes;

21 WHEREAS, in light of the similarity of factual and legal issues, plaintiff Friedman and
22 Apple filed a Joint Motion to Transfer the *Friedman* action to the Northern District of California;

23 WHEREAS, on April 18, 2011, Judge Sammartino granted the parties’ Joint Motion to
24 Transfer, and ordered the *Friedman* action to be transferred to the San Jose Division of the United
25 States District Court for the Northern District of California to be coordinated and consolidated
26 with the above-captioned consolidated action for all pretrial and trial proceedings;

27 WHEREAS, on April 19, 2011, the *Friedman* action was assigned to Judge Ronald M.
28 Whyte as Case No. 5:11-cv-01875-RMW;

1 WHEREAS the *Friedman* action and the above-captioned consolidated action arise from
2 the same circumstances and allegations, involve common questions of law and fact, and are both
3 currently pending before this Court;

4 WHEREAS counsel for plaintiff Friedman, for plaintiffs in the above-captioned
5 consolidated action, and for Apple have conferred and agree that consolidation of the *Friedman*
6 action with the above-captioned consolidated action is proper;

7 Plaintiffs in the *Friedman* and above-captioned action and defendant Apple, by and
8 through their respective counsel, hereby stipulate that the *Friedman* action shall be consolidated
9 with the above-captioned consolidated action for all purposes pursuant to Fed. R. Civ. P. 42(a)
10 and constitutes a “Later Filed Case” subject to terms of CMO No. 1.

11 IT IS SO STIPULATED.

12
13 Dated: May 9, 2011

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17 By: /s/ Michael W. Sobol
MICHAEL W. SOBOL

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19 Attorneys for Plaintiffs

20 Dated: May 9, 2011

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24 By: /s/ Penelope A. Preovolos
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26 Attorneys for Defendant
APPLE INC.

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AARON FRIEDMAN

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

By: /s/ Penelope A. Preovolos
Penelope A. Preovolos

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 5/31/11

Ronald M. Whyte
Hon. Ronald M. Whyte
United States District Judge