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 APPLE INC.

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

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13 STEVE TIETZE, on Behalf of Himself and for the  
 Benefit of All with the Common or General  
 14 Interest, Any Persons Injured, and All Others  
 Similarly Situated,

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Plaintiff,

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v.

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APPLE INC., a California Corporation.

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Defendant.

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Case No. CV 10-02929 HRL

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

**[N.D. CAL. CIVIL LR 73-1(a)(1)]**

The Hon. Howard R. Lloyd

Complaint filed: July 2, 2010

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**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 6, 2010

PENELOPE A. PREVOLOS  
ANDREW DAVID MUHLBACH  
HEATHER A. MOSER  
MORRISON & FOERSTER LLP

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

*Attorneys for Defendant*  
APPLE INC.