

1 Michael L. Charlson (Bar No. 122125)
 Maren J. Clouse (Bar No. 228726)
 2 HOGAN LOVELLS US LLP
 525 University Avenue, 4th Floor
 3 Palo Alto, California 94301
 Telephone: (650) 463-4000
 4 Facsimile: (650) 463-4199
 michael.charlson@hoganlovells.com
 5 maren.clouse@hoganlovells.com

6 Christopher Wolf (Admitted *Pro Hac Vice*)
 HOGAN LOVELLS US LLP
 7 Columbia Square
 555 Thirteenth Street, NW
 8 Washington, DC 20004
 Telephone: (202) 637-5600
 9 Facsimile: (202) 637-5910
 christopher.wolf@hoganlovells.com

10 Clayton C. James (Admitted *Pro Hac Vice*)
 HOGAN LOVELLS US LLP
 11 One Tabor Center, Suite 1500
 1200 Seventeenth Street
 12 Denver, Colorado 80202
 Telephone: (303) 899-7300
 13 Facsimile: (303) 899-7333
 clay.james@hoganlovells.com

14 Attorneys for Defendant
 15 APPLE INC., a California corporation

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19 In re iPhone Application Litigation

Case No. CV 10-5878 LHK (PSG)

**NOTICE OF PENDENCY OF OTHER
 ACTION OR PROCEEDING**

Honorable Lucy H. Koh

1 Pursuant to Local Rule 3-13, Defendant Apple Inc., a California corporation (“Apple”),
2 submits this Notice of Pendency of Other Actions or Proceedings to give notice of the following
3 actions: (1) *Ajjampur v. Apple Inc.*, Case No. 11-cv-00895-RAL-RBM (M.D. Fla.) filed April 22,
4 2011 in the United States District Court for the Middle District of Florida; (2) *Burke v. Apple Inc.*
5 *et. al.*, Case No. 11-cv-01376-RDP (N.D. Ala.) filed April 22, 2011 in the United States District
6 Court for the Northern District of Alabama; (3) *Burwick v. Apple Inc., et. al.*, Case No. 11-cv-
7 03450-JFW-MRW (C.D. Cal.) filed April 22, 2011 in the United States District Court for the
8 Central District of California; (4) *Ammer v. Apple Inc., et. al.* Case No. 11-cv-02841-VB
9 (S.D.N.Y.) filed April 27 2011 in the United States District Court for the Southern District of
10 New York; (5) *O’Flaherty v. Apple Inc.*, Case No. 11-cv-00359-MJR-DGW (S.D. Ill.) filed April
11 29, 2011 in the United States District Court for the Southern District of Illinois; (6) *Snyder v.*
12 *Apple Inc.*, Case No. 11-cv-00784-RWS (E.D. Mo.) filed May 3, 2011 in the United States
13 District Court for the Eastern District of Missouri; (7) *Diaz v. Apple Inc., et. al.*, Case No. 11-cv-
14 1433-FAB (D. P.R.) filed May 10, 2011 in the United States District Court for the District of
15 Puerto Rico; and (8) *Moylan v. Apple Inc.*, Case No. 11-cv-03268 (N.D. Ill.) filed May 16, 2011
16 in the United States District Court for the Northern District of Illinois.

17 The actions are individual and putative class actions purportedly brought on behalf of
18 overlapping classes of users of iPhone, iPad, and iPod (“iDevices”) throughout the United States.
19 Apple is named as a defendant in all of the cases, and each of the individual plaintiffs or plaintiff
20 classes seeks to recover for alleged violations of privacy rights based on supposed access of
21 users’ iDevices by applications that can be downloaded by users from Apple’s App Store and/or
22 the alleged capture and storage of location data on iDevices.

23 All of the above actions are related to this action and the related actions *Colon v. Apple*
24 *Inc.*, Case No. 5:11-cv-02270-PSG (N.D. Cal.), *Normand v. Apple Inc.*, Case No. 11-2317 (N.D.
25 Cal.), *Gupta v. Apple Inc.*, Case No. 3:11-cv-02110-WHA (N.D. Cal.).¹

26 The actions all contain claims that overlap with the claims alleged in the Consolidated

27 ¹ See Administrative Motion to Consider Whether Cases Should Be Related, filed May 19, 2011
28 (Docket No. ___), asking the Court to relate the *Colon*, *Normand*, and *Gupta* actions.

1 Complaint,² and call for determination of multiple questions of fact and law that will be the same
2 or substantially similar. In particular, the actions involve allegations that certain software
3 applications capture and abuse personal identifying information of iDevice users and/or
4 allegations that Apple captures and stores user location information on iDevices. Apple is a
5 defendant in this action and the other actions, some of which are also brought against certain
6 alleged developers of iPhone applications and third-party advertising networks or Internet metrics
7 companies. The alleged capture of iDevice user information or storage of location information is
8 claimed in all of the actions to constitute violations of various statutes and common law principles
9 concerning personal privacy and consumer protection.

10 For the foregoing reasons, Apple has made a motion to the Judicial Panel on Multidistrict
11 Litigation suggesting that coordinated pretrial proceedings for Multidistrict Litigation, pursuant to
12 28 U.S.C. § 1407, or other coordination would be appropriate to avoid conflicts, conserve
13 resources, and promote an efficient determination of the actions, and is adding the above-noted
14 actions to that pending Motion.³

15
16 Dated: May 19, 2011

HOGAN LOVELLS US LLP

By: /s/ Michael L. Charlson

Michael L. Charlson

Attorneys for Defendant
APPLE INC., a California corporation

25 ² See Plaintiffs' First Amended Complaint (Docket No. 71).

26 ³ Concurrent with this Notice, Apple is filing a Notice of Related Actions with the United States
27 Judicial Panel on Multidistrict Litigation notifying the Panel that the following actions are related
28 actions subject to Apple's pending Motion to transfer proceedings to the United States District
Court for the Northern District of California pursuant to 18 U.S.C. § 1407 for coordinated or
consolidated pretrial treatment (MDL No. 2250): *Gupta, Normand, Colon, Burke, Burwick,*
Ammer, Diaz, O'Flaherty, Moylan, Snyder, and Ajjampur.