

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

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

11 Clayton C. James (Admitted *Pro Hac Vice*)
 12 HOGAN LOVELLS US LLP
 13 One Tabor Center, Suite 1500
 14 1200 Seventeenth Street
 15 Denver, Colorado 80202
 Telephone: (303) 899-7300
 Facsimile: (303) 899-7333
 clay.james@hoganlovells.com

16 Attorneys for Defendant
 17 APPLE INC., a California corporation

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

21 In re iPhone Application Litigation

James F. McCabe (Bar No. 104686)
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, California 94105
 Telephone: (415) 268-7000
 Facsimile: (415) 268-7522
 JMcCabe@mofo.com

Bryan Wilson (Bar No. 138842)
 Teresa N. Burlison (Bar No. 230854)
 MORRISON & FOERSTER LLP
 755 Page Mill Road
 Palo Alto, California 94304
 Telephone: (650) 813-5600
 Facsimile: (650) 494-0792
 BWilson@mofo.com
 TBurlison@mofo.com

Case No. CV-10-5878 LHK (PSG)

**ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES SHOULD
 BE RELATED**

The Honorable Lucy H. Koh

1 Pursuant to Local Rule 3-12 and this Court’s Case Management Order No. 1 entered
2 March 15, 2011 (Dkt. No. 36) (“CMO No.1”), Defendant Apple Inc., a California corporation
3 (“Apple”), submits this Administrative Motion to Consider Whether Cases Should Be Related to
4 give notice of the action *Terrell v. Apple Inc.*, Case No. 11-cv-03416-JCS, filed July 12, 2011 in
5 the United States District Court for the Northern District of California.¹

6 The action is related because it contains overlapping claims and calls for determination of
7 multiple questions of fact and law that will be the same or substantially similar as those claimed
8 in the Consolidated Actions. The *Terrell* complaint is almost identical to the original complaint
9 filed in the now-consolidated *Lalo, et al. v. Apple, Inc., et al.* action. Accordingly, like the
10 Consolidated Actions, the *Terrell* action involves allegations that certain software applications
11 that can be downloaded by users to work on iPhone or iPad devices capture and misuse personal
12 identifying information of iPhone and iPad users. Apple is a defendant in each of the actions.
13 The alleged capture and misuse of user information from the devices is claimed in the actions to
14 constitute violations of various statutes and common law principles concerning personal privacy
15 and consumer protection.

16 For the foregoing reasons, assignment of the *Terrell* action to this Court is likely to save
17 judicial and litigant resources, and it will diminish the likelihood of inconsistent results. In
18 addition, Apple believes that the *Terrell* action is properly consolidated with these consolidated
19 actions as provided in the Court’s CMO No. 1.

20 //

21 //

22 //

23
24
25
26
27
28 ¹ A copy of the *Terrell* Complaint is attached as Exhibit A.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In accordance with paragraph 3 of CMO No. 1, Apple has served a copy of CMO No. 1 on counsel for Plaintiff in the *Terrell* actions. Apple has also served a copy of the Court's April 7, 2011 Order Appointing Interim Class Counsel and Executive Committee (Dkt. No. 65) and Order Granting in Part Joint Stipulation to Extend Briefing Schedule (Dkt. No. 134).²

Dated: July 18, 2011

HOGAN LOVELLS US LLP

By: /s/ Michael L. Charlson
Michael L. Charlson

Attorneys for Defendant
APPLE INC., a California corporation

² A copy of the Proof of Service of those orders is attached as Exhibit B.