## **EXHIBIT B**

## 1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 NORTHERN DISTRICT OF CALIFORNIA 11 SAN JOSE DIVISION 12 Case No.: CV-10-5878 LHK (PSG) In re iPhone Application Litigation 13 [PROPOSED] ORDER APPOINTING 14 INTERIM CLASS COUNSEL AND OTHER LEADERSHIP 15 16 17 Having considered the submission of Plaintiffs' counsel, and in light of the Court's prior 18 order of March 15, 2011, this Court hereby orders as follows: 19 Under Fed. R. Civ. P. 23(g)(3), a court "may designate interim counsel to act on behalf of 20 a putative class before determining whether to certify the action as a class action." Under Rule 21 23(g)(1) a court considers "(i) the work counsel has done in identifying or investigating potential 22 claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, 23 and the types of claims asserted in the action; (iii) counsel's knowledge of the applicable law; 24 and (iv) the resources that counsel will commit to representing the class." The Court may also 25 consider "any other matter pertinent to counsel's ability to fairly and adequately represent the 26 interests of the class." Fed. R. Civ. P. 23(g)(1)(B). 27 Upon review and consideration, the Court finds that appointment of Scott A. Kamber of 28 KamberLaw, LLC as interim Class Counsel will best serve the interests of the putative class.

Proposed counsel have made a significant investment into this litigation that has directly advanced the interests of the Class, has sufficient resources to vigorously protect the interests of the class in future litigation and have a background of success as Class Counsel in national privacy related class actions. Furthermore, KamberLaw LLC has the support of almost all plaintiffs and counsel in this consolidated action. In addition, as suggested in the moving papers of plaintiffs lalo et al., the appointment of a two member Executive Committee and a San Francisco, California based law firm as Liaison Counsel is appropriate. Accordingly:

- 1. The Court hereby appoints Attorney Scott A. Kamber of KamberLaw, LLC as Interim Class Counsel in the above-entitled action. Interim Class Counsel shall have the authority as outlined in the Court's March 15, 2011 Order as well as those set forth in the manual for Complex Litigation (4<sup>th</sup> Ed. 2004).
- 2. The Court hereby appoints Attorney Robert Shelquist of Lockridge Grindal Nauen P.L.L.P. and Attorney Jeremy R. Wilson of Wilson Trosclair & Lovins, PLLC as members of the Executive Committee. To the extent delegated by Interim Class Counsel, members of the Executive Committee shall execute the Orders of the Court concerning the conduct of the litigation. This may include participation in drafting pleadings, motions, oral argument, written discovery, depositions, or pre-trial preparation and settlement. Interim Class Counsel may organize and delegate to other counsel of record other matters to the extent appropriate for the efficient prosecution of the case. In working with Interim Class Counsel to prosecute the case, members of the Executive Committee will assist in assuring that the case is handled efficiently and cost effectively, and Lead Counsel shall consult with the Executive Committee members with respect to key motions and critical issues in the case. and
- 3. The Court hereby appoints Attorney William M. Audet of Audet & Partners, LLP as Plaintiffs' Liaison Counsel. Liaison Counsel shall act at the direction of Interim Class Counsel to assist in tasks relating to filings and the conduct of litigation in this Court pursuant to the Manual for Complex Litigation, (4<sup>th</sup> Ed. 2004).

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	[PROPOSED] ORDER APPOINTING INTERIM	