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18 Proposed Liaison Counsel for Plaintiffs

19 Other Counsel Appear On Signature Page

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**

22 Garen Meguerian, individually and on
 23 behalf of all others similarly situated,
 24
 25 Plaintiff,
 26
 27 v.
 28 Apple Inc.,
 Defendant.

Case No. 11-cv-1758-JF

**SECOND REVISED STIPULATION AND
 [PROPOSED] ORDER RE
 CONSOLIDATION OF CASES**

Lauren Scott, Kathleen Koffman and
 Heather Silversmith, individually and on
 behalf of all others similarly situated,
 Plaintiffs,
 v.
 Apple Inc.,
 Defendant.

Case No. 11-cv-1989-JF

1 Twilah Monroe, individually and on
2 behalf of all others similarly situated,

Case No. 11-cv-2394-PSG

3 Plaintiff,

4 v.

5 Apple Inc.,

6 Defendant.

7 **RECITALS**

8 WHEREAS, Plaintiffs in the above-captioned actions (“Actions”), on behalf of
9 themselves and all others similarly situated, all assert claims against Defendant Apple Inc.
10 (“Defendant” or “Apple”) for its alleged deceptive acts and practices in connection with its sale
11 to minors of “in-app” content;

12 WHEREAS, the parties intend that the Actions be consolidated for all purposes;

13 WHEREAS, Plaintiffs filed a Consolidated Amended Complaint on June 16, 2011 in the
14 case captioned *Meguerian v. Apple Inc.*, No. 11-cv-01758-JF, with the intention that the
15 Consolidated Amended Complaint shall become the operative complaint for the Actions, upon
16 their consolidation.

17 **STIPULATION**

18 IT IS THEREFORE STIPULATED by and between the parties, through their counsel of
19 record, that, subject to the Court’s approval:

20 **I. CONSOLIDATION OF RELATED ACTIONS**

21 1. The above actions are hereby deemed related and consolidated for all purposes
22 before this Court.

23 2. The clerk shall establish and maintain a Master Docket and Master File for this
24 proceeding under the caption “*In re Apple In-App Purchase Litigation*,” Master File No. 11-cv-
25 1758 JF. All orders, pleadings, motions and other documents should, when filed and docketed
26 in the Master File, be deemed filed and docketed in each individual case.

27 3. The parties will meet and confer if any additional action is filed in, removed to,
28 or transferred to this Court to determine whether the new action involves the same or

1 substantially similar issues of law and fact and whether consolidation would be appropriate. If
2 the parties agree that the new action is appropriately consolidated with the Actions, the parties
3 will follow the procedures below:

4 a. The parties will jointly file a request to consolidate the matter with this
5 Court and counsel for Plaintiffs in the Consolidated Action shall serve notice on counsel in the
6 action counsel are seeking be consolidated;

7 b. The parties will jointly request that the Clerk of the Court:
8 i. place a copy of this Order in the separate file for such action;
9 ii. provide a copy of this Order to counsel for the plaintiff(s) in the
10 newly filed or transferred action and to any defendant(s) in the newly filed or transferred action;
11 and

12 iii. make an appropriate entry on the Master Docket for the
13 Consolidated Action.

14 4. If the parties in the Actions do not agree that the new action should be
15 consolidated with the Actions, the party seeking consolidation may, within ten (10) days after
16 meeting and conferring with the party opposing consolidation, file a motion for consolidation.

17 **II. FILING AND DOCKETING PROCEDURES**

18 1. Every pleading hereafter filed in this Consolidation Action shall bear the
19 following caption:

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN JOSE DIVISION**

23 **IN RE APPLE IN-APP PURCHASE**
24 **LITIGATION**

Master File No. 11-cv-1758 JF

25 **This Document Relates To:**

26 **All Actions.**

1 2. When a pleading or paper is intended to be applicable to all actions to which this
2 Order is applicable, the words “All Actions” shall appear immediately after the words “This
3 Document Relates To:” in the caption set out above. When a pleading or paper is intended to be
4 applicable to only some, but not all of such actions, this Court’s docket number for each action
5 to which the pleading or paper is intended to be applicable and the last name of the first named
6 plaintiff(s) in that action shall appear immediately after the words “This Document Relates To:”
7 in the caption described above, i.e., “Civil Action No. _____ [Name of plaintiff(s)].”

8 3. When a pleading or paper is filed and the caption, pursuant to ¶ 2, shows that it is
9 to be applicable to “All Actions,” the Clerk shall file such pleading or paper in the Master File
10 and note such filing in the Master Docket. No further copies need be filed or other docket
11 entries made.

12 4. When a pleading or paper is filed and the caption, pursuant to ¶ 2, shows that it is
13 applicable to fewer than all of the Actions, the Clerk shall file such pleading or other paper only
14 in the Master File but nonetheless shall note such filing in both the Master Docket and in the
15 docket of each such action.

16 **III. FILING OF CONSOLIDATED AMENDED COMPLAINT AND RESPONSE**
17 **THERE TO**

18 1. Defendant need not answer or otherwise respond to any of the complaints in the
19 three separate actions captioned above.

20 2. Defendant shall file an answer or otherwise respond to the Consolidated
21 Amended Complaint on or before August 5, 2011.

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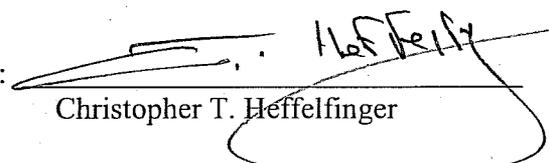
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1 3. If Defendant files a motion to dismiss the Consolidated Amended Complaint,
2 Plaintiffs shall file a response to the motion on or before September 2, 2011, and Defendant
3 shall file its reply brief on or before September 21, 2011.

4 Dated: June 24, 2011

BERMAN DEVALERIO

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Dated: June 24, 2011

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Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated: 7/5/11

By: 
Honorable Jeremy Fogel
United States District Court Judge