

EXHIBIT J

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

12
13 ADAM WEISBLATT, JOE HANNA, DAVID
TURK, and COLETTE OSETEK, individually
14 and on behalf of all others similarly situated,

15 Plaintiffs,

16 v.

17 APPLE INC., AT&T MOBILITY LLC,
and Does 1-10,

18 Defendants.

Case No. CV 10-02553 RMW

**PLAINTIFFS' INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 26(a)(1)**

19
20 Plaintiffs Adam Weisblatt, Joe Hanna, David Turk, and Colette Osetek (collectively,
21 "Plaintiffs") hereby provide the following initial disclosures pursuant to Federal Rule of Civil
22 Procedure 26(a)(1). Plaintiffs make these initial disclosures based on information presently and
23 reasonably available to them. Pursuant to Federal Rule of Civil Procedure 26(e), Plaintiffs
24 reserve the right to supplement or amend these disclosures as appropriate upon further discovery
25 and investigation. Additionally, Plaintiffs make these initial disclosures subject to and without
26 waiving the attorney-client privilege, the attorney work-product privilege, or any other applicable
27 privilege or protection. Plaintiffs reserve the right to object to discovery procedures involving or
28 relating to the persons or documents identified in these initial disclosures.

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1 **I. Individuals Likely to Have Discoverable Information That Plaintiffs May Use to**
2 **Support Their Claims (FRCP 26(a)(1)(A)(i)).**

3 • **Plaintiffs** are likely to have discoverable information in support of the claims
4 asserted in their Master Consolidated Complaint, filed on December 10, 2010
5 (“Master Complaint”). The Plaintiffs are Adam Weisblatt, Joe Hanna, David
6 Turk, and Colette Osetek. Plaintiffs may be contacted only through their counsel.
7 The subjects of the information in Plaintiffs’ possession include the facts and
8 circumstances of Plaintiffs’ experiences with Defendants, including their
9 purchases of iPad devices and related data service plans, Defendants’
10 representations about the 3G-enabled iPad and related data service plans, and
11 Plaintiffs’ damages resulting from Defendants’ misconduct as alleged in the
12 Master Complaint.

13 • **Steve Jobs**

14 Apple, Inc.
15 1 Infinite Loop
16 Cupertino, CA 95014
17 Telephone: (408) 996-1010

18 The subjects of the information in possession of Mr. Jobs include Apple’s conduct
19 in marketing and selling the 3G-enabled iPad; Apple’s communications with
20 AT&T regarding the offering of 3G data plans for use with the iPad 3G; and
21 Defendants’ withdrawal of the flexible, unlimited 3G data plan.

22 • **Current and former employees, executives, and agents of Defendants that**
23 **have yet to be identified** are likely to have discoverable information in support of
24 the claims asserted in the Master Complaint. Plaintiffs expect that such
25 individuals (including, but not limited to, individuals who may be identified in
26 Defendants’ initial disclosures) will possess information regarding Defendants’
27 conduct in marketing and selling the 3G-enabled iPad and related data service
28 plans, and other conduct of Defendants alleged in the Master Complaint, as well as
 information necessary to calculate Plaintiffs’ and the putative class members’
 damages.

1 Dated: January 28, 2011

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

2
3 By: 
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APPLE INC.
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 In re Apple and AT&T iPad Unlimited Data Plan
15 Litigation

16 ALL CONSOLIDATED ACTIONS
17

Case Nos. 5:10-cv-02553 RMW

CLASS ACTION

**DEFENDANT APPLE INC.'S
INITIAL DISCLOSURES**

**[FEDERAL RULE OF CIVIL
PROCEDURE 26(a)1]**

The Hon. Ronald M. Whyte

Master Consolidated Complaint filed:
December 10, 2010

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DEFENDANT APPLE INC.'S INITIAL DISCLOSURES
CASE NO. 5:10-cv-02553 RMW
sf-2948047

1 Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant Apple Inc.
2 (“Apple”) makes these initial disclosures and objections (“Initial Disclosures”).

3 Apple’s Initial Disclosures are based on information that is presently reasonably available
4 to it. Apple has not completed its investigation into additional facts which may further support its
5 defenses. As a result, Apple reserves the right to present witnesses, documents, and evidence in
6 addition to that which is disclosed herein. Moreover, Apple recognizes its continuing obligation
7 under Federal Rule of Civil Procedure 26(e)(1) to supplement these Initial Disclosures at
8 appropriate intervals, and will do so in a timely manner as Apple becomes aware of and/or
9 receives additional relevant information during the course of discovery in this case.

10 The document categories referenced as part of these Initial Disclosures may include
11 specific documents protected by the attorney-client privilege, the work product doctrine, and/or
12 other applicable legal privileges and protections. Similarly, witnesses identified in these Initial
13 Disclosures may possess information or knowledge protected by these or other privileges and
14 protections. By listing witnesses and identifying document categories, Apple does not waive its
15 right to assert any applicable privilege or protection at an appropriate time. The documents
16 referenced as part of these Initial Disclosures may include confidential or proprietary information,
17 which will not be produced without the protection of an appropriate protective order entered by
18 the Court.

19 DISCLOSURES

20 I. IDENTITY OF PERSONS LIKELY TO HAVE DISCOVERABLE 21 INFORMATION THAT THE DISCLOSING PARTY MAY USE TO SUPPORT 22 CLAIMS OR DEFENSES

23 Apple identifies the following individual pursuant to Rule 26(a)(1)(A). Apple does not
24 consent to Plaintiffs’ communications with its employees and does not consent to or authorize
25 any communications otherwise prohibited by any applicable rule of professional conduct.
26 Plaintiffs’ contact with Apple’s employees should take place solely through Apple’s counsel of
27 record:
28

Identity	Contact	Knowledge
Michael Tchao V.P. iPad Product Marketing	Via Apple's counsel of record	Mr. Tchao possesses relevant knowledge regarding iPad product marketing.
Employees or former employees of AT&T Mobility LLC ("ATTM")	Unknown	Apple believes that employees or former employees of ATTM possess relevant knowledge regarding iPad data plans and usage.

II. DESCRIPTION BY CATEGORY AND LOCATION OF DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE THINGS IN THE POSSESSION, CUSTODY OR CONTROL OF APPLE WHICH MAY BE USED TO SUPPORT CLAIMS OR DEFENSES

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(B), Apple identifies the following categories of documents and tangible things that are in its possession, custody, or control and that it may use to support its defenses in this action. The documents and tangible things that are in Apple's possession are generally kept at Apple's headquarters in Cupertino, California:

1. Public representations (advertising, etc.) related to iPad 3G data plans;
2. Documents related to Apple's customer relations with respect to iPad 3G data plans;
3. Records reflecting the number and nature of customer inquiries related to iPad 3G data plans; and
4. Data and communications regarding iPad data plans and usage, including documents that are likely in the possession of AT&T Mobility LLC ("ATTM").

Apple reserves its right to object to the production of documents within the categories described herein on any basis permitted by the Federal Rules of Civil Procedure.

III. ANY INSURANCE AGREEMENT UNDER WHICH ANY PERSON CARRYING ON AN INSURANCE BUSINESS MAY BE LIABLE TO SATISFY PART OR ALL OF A JUDGMENT OR TO INDEMNIFY OR REIMBURSE FOR PAYMENTS MADE TO SATISFY THE JUDGMENT.

Apple will make available for inspection and copying any agreements under which an insurer may be liable to satisfy part or all of any judgment which may be entered in the action.

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CERTIFICATION

To the best of my knowledge, information and belief, formed after an inquiry that is reasonable under the circumstances, this disclosure is complete and correct, except as noted, as of the date set forth below.

Dated: February 11, 2011

PENELOPE A. PREVOLOS
ANDREW D. MUHLBACH
STUART C. PLUNKETT
HEATHER A. MOSER
MORRISON & FOERSTER LLP

By: 
STUART C. PLUNKETT

Attorneys for Defendant
APPLE INC.

1 **CERTIFICATE OF SERVICE BY MAIL**
2 (Fed. R. Civ. Proc. rule 5(b))

3 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address
4 is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause;
5 I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice
6 for collection and processing of correspondence for mailing with the United States Postal Service
7 and know that in the ordinary course of Morrison & Foerster's business practice the document
8 described below will be deposited with the United States Postal Service on the same date that it is
9 placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

10 I further declare that on the date hereof I served a copy of:

11 **DEFENDANT APPLE INC.'S INITIAL DISCLOSURES**

12 on the following by placing a true copy thereof enclosed in a sealed envelope addressed as
13 follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco,
14 California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

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Kathleen Taylor Sooy
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1001 Pennsylvania Avenue, NW
Washington, DC 20004

I declare under penalty of perjury that the above is true and correct.

1 **II. Description of Documents and Electronically Stored Information That Plaintiffs**
2 **May Use to Support Their Claims (FRCP 26(a)(1)(A)(ii)).**

3 The categories of documents, electronically stored information, and tangible things
4 presently in Plaintiffs' possession, custody or control that Plaintiffs may use to support their
5 claims include: records relating to Plaintiffs' purchases of their iPad devices and related data
6 service plans and documents reflecting representations and marketing regarding the 3G-enabled
7 iPad and related data service plans. Many of the documents that support Plaintiffs' claims are
8 likely in the possession, custody, or control of Defendants and will be sought by Plaintiffs in
9 discovery. Plaintiffs' investigation is continuing, and Plaintiffs reserve the right to supplement
10 these disclosures as appropriate under the Federal Rules of Civil Procedure.

11 **III. Computation of Damages (FRCP 26(a)(1)(A)(iii)).**

12 Computation of Plaintiffs' damages is premature at this time. Calculation of these
13 amounts may require expert testimony and will require the completion of discovery which has yet
14 to be conducted. Moreover, the identities of putative class members and the precise size of the
15 proposed class are currently unknown to Plaintiffs. As set forth in their Master Complaint,
16 Plaintiffs and the members of the putative class have been harmed in numerous ways, including
17 but not limited to: (a) paying excessive amounts for their 3G-enabled iPad devices; (b) being
18 denied important benefits they were promised by Defendants; and (c) paying excessive amounts
19 for using 3G data services. Recovery sought by Plaintiffs includes those categories set forth in
20 the prayer for relief of their Master Complaint (pp. 31-32). Plaintiffs' investigation and research
21 regarding damages are ongoing, and no admissions or omissions are to be made from these
22 disclosures regarding the types and amounts of damages that Plaintiffs are seeking or that may be
23 awarded by a jury and/or the Court. Further responsive information, when available, will be
24 produced in conformance with Rule 26(e) and any applicable Orders entered by the Court.

25 **IV. Applicable Insurance Agreements (Fed. R. Civ. P. 26(a)(1)(A)(iv)).**

26 Not applicable to Plaintiffs.
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Executed at San Francisco, California, this 11th day of February, 2011.

Brenda J. Fuller
(typed)

Brenda Fuller
(signature)