

1 PENELOPE A. PREVOLOS (CA SBN 87607)
 (PPreovolos@mofo.com)
 2 ANDREW D. MUHLBACH (CA SBN 175694)
 (AMuhlbach@mofo.com)
 3 STUART C. PLUNKETT (CA SBN 187971)
 (SPlunkett@mofo.com)
 4 MORRISON & FOERSTER LLP
 425 Market Street
 5 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 6 Facsimile: 415.268.7522

7 Attorneys for Defendant
 APPLE INC.

9 UNITED STATES DISTRICT COURT
 10 SOUTHERN DISTRICT OF CALIFORNIA

12 AARON FRIEDMAN, on behalf of himself and
 all others similarly situated,

13 Plaintiffs,

14 v.

15 APPLE INC., a California corporation; AT&T
 16 MOBILITY, LLC, and DOES 1 through 10,
 inclusive,

17 Defendants.

Case No. 10-CV-2403 JLS POR

**DECLARATION OF STUART C.
 PLUNKETT IN SUPPORT OF
 APPLE INC.'S MOTION TO
 TRANSFER**

Date: May 19, 2011
 Time: 1:30 p.m.
 Ctrm: 6
 Hon. Janis L. Sammartino

1 I, Stuart C. Plunkett, declare:

2 1. I am a partner in the law firm of Morrison & Foerster LLC, counsel for defendant
3 Apple Inc. (“Apple”) in this action. I make this declaration on my own personal knowledge, and
4 if called as a witness, I could and would testify competently to the following facts:

5 2. Attached as Exhibit A is a true and correct copy of the complaint filed in *Weisblatt*
6 *v. Apple Inc., AT&T, Inc., and AT&T Mobility LLC*, Northern District of California Case No. 10-
7 CV-2553, on June 9, 2010.

8 3. Attached as Exhibit B is a true and correct copy of the complaint filed in *Logan v.*
9 *Apple Inc. and AT&T Mobility LLC*, Northern District of California Case No. 10-CV-2588, on
10 June 11, 2010.

11 4. Attached as Exhibit C is a true and correct copy of the complaint filed in *Osetek v.*
12 *Apple Inc.*, Northern District of California Case No. 10-CV-4253, on September 20, 2010.

13 5. Attached as Exhibit D is a true and correct copy of Master Consolidated Complaint
14 filed in the consolidated Northern District actions on December 10, 2010.

15 6. Attached as Exhibit E is a true and correct copy of the Northern District of
16 California’s December 15, 2010 Order consolidating the *Weisblatt*, *Logan*, and *Osetek* actions.

17 7. Attached as Exhibit F is a true and correct copy of Apple’s Answer to the Master
18 Consolidated Complaint, filed on January 13, 2011.

19 8. Attached as Exhibit G is a true and correct copies of AT&T Mobility LLC’s
20 (“ATTM”) Motion to Dismiss the Master Consolidated Complaint and it Motion to Strike, filed
21 on January 14, 2011. ATTM’s motions are still pending.

22 9. Attached as Exhibit H are true and correct copy of Case Management Order No. 1 in
23 the Northern District Actions, issued on January 25, 2011.

24 10. Attached as Exhibit I is a true and correct copy of plaintiff’s First Request for
25 Production to Apple, which was served on February 4, 2011.

26 11. Attached as Exhibit J are true and correct copies of plaintiff’s and Apple’s initial
27 disclosures, which were served on January 28, 2011 and February 11, 2011, respectively.

28

1 12. In light of the pendency of the Northern District of California actions, I contacted
2 counsel for plaintiff on December 14, 2010, to request that plaintiff stipulate to a transfer of this
3 action to the Northern District. Counsel stated that she would consider a transfer. Since
4 December 14, 2010, I have contacted plaintiff's counsel several more times to discuss
5 transferring this action. Counsel has never told me whether plaintiff would agree to a transfer.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct.

8 Executed this 4th day of March, 2011, at San Francisco, California.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Stuart C. Plunkett
Stuart C. Plunkett
SPlunkett@mof.com

1 **INDEX OF EXHIBITS**

2	Exhibit	Document	Page
3	Exhibit A	<i>Weisblatt v. Apple Inc., AT&T, Inc., and AT&T Mobility LLC</i> Complaint	4
4	Exhibit B	<i>Logan v. Apple Inc. and AT&T Mobility LLC</i> Complaint	28
5	Exhibit C	<i>Osetek v. Apple Inc.</i> Complaint	51
6	Exhibit D	Master Consolidated Complaint	74
7	Exhibit E	Order consolidating the <i>Weisblatt, Logan, and Osetek</i> actions	146
8	Exhibit F	Apple's Answer to the Master Consolidated Complaint	153
9	Exhibit G	AT&T Mobility LLC's Motion to Dismiss the Master Consolidated Complaint and its Motion to Strike	179
10	Exhibit H	Case Management Order No. 1 in the Northern District Actions	213
11	Exhibit I	Plaintiff's First Request for Production to Apple	220
12	Exhibit J	Plaintiff's and Apple's initial disclosures	232
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			