

1 PENELOPE A. PREOVOLOS (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.

8
 9 UNITED STATES DISTRICT COURT
 10 SOUTHERN DISTRICT OF CALIFORNIA

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

13 Plaintiff,

14 v.

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

17 Defendants.
 18
 19

Case No. 3:10-cv-02403-JLS-POR

**JOINT MOTION TO TRANSFER
 ACTION TO NORTHERN
 DISTRICT OF CALIFORNIA, SAN
 JOSE DIVISION**

Judge: Hon. Janis L. Sammartino

Complaint Filed: November 22, 2010

1 WHEREAS, a consolidated action entitled “In re Apple and AT&T iPad Unlimited Data
2 Plan Litigation,” Case No. 5:10-cv-02553-RMW, is pending in the United States District Court
3 for the Northern District of California, San Jose Division, which raises factual and legal issues
4 similar to those raised in this action, against the same defendants on behalf of the overlapping
5 putative classes;

6 WHEREAS, on March 4, 2011, defendant Apple Inc. (“Apple”) filed a motion to transfer
7 this action to the Northern District of California, San Jose Division, and no opposition was filed;

8 WHEREAS, counsel for plaintiff and Apple’s counsel have conferred and agree to
9 transfer this action to the Northern District of California, San Jose Division, to be voluntarily
10 coordinated and consolidated before one judge;

11 WHEREAS, while venue is proper in this Court, venue of the present action would also be
12 proper in the Northern District of California, San Jose Division, because Apple is headquartered
13 in that District and Division;

14 WHEREAS, Apple contends that its relevant witnesses and documents are primarily
15 located in that District and Division;

16 WHEREAS, for the above reasons, transfer of this action to the San Jose Division of the
17 Northern District of California, and relating this action with the consolidated action currently
18 pending in that forum will conserve judicial and private resources, promote efficiency, is in the
19 interested of justice and avoids the risk of inconsistent or conflicting rulings;

20 IT IS HEREBY STIPULATED AND AGREED by and between plaintiff and Apple,
21 through their designated counsel of record, that this action:

- 22 1. be transferred to the San Jose Division of the United States District Court for the
23 Northern District of California pursuant to 28 U.S.C. § 1404(a); and
- 24 2. that plaintiff need not file an amended complaint in this action in order to effectuate
25 such transfer.

26 Pursuant to Local Rule 7.2, plaintiff and Apple have separately submitted a Proposed
27 Order granting the relief requested.

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

Dated: April 14, 2011

PENELOPE A. PREOVOLOS
ANDREW DAVID MUHLBACH
STUART C. PLUNKETT
MORRISON & FOERSTER LLP

By: /s/ Penelope A. Preovolos
PENELOPE A. PREOVOLOS

Attorneys for Defendant
APPLE INC.

Dated: April 14, 2011

GAYLE M. BLATT
CASEY, GERRY, SCHENK,
FRANCAVILLA, BLATT & PENFIELD LLP

By: /s/ Gayle M. Blatt
GAYLE M. BLATT

Attorneys for Plaintiff
AARON FRIEDMAN

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Joint Motion to Transfer Venue. In compliance with Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby attest that I have on file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

By: /s/ Penelope A. Preovolos
Penelope A. Preovolos