

CLOSED

**U.S. District Court**  
**Southern District of California (San Diego)**  
**CIVIL DOCKET FOR CASE #: 3:10-cv-02403-JLS -WVG**

Friedman v. Apple, Inc. et al  
Assigned to: Judge Janis L. Sammartino  
Referred to: Magistrate Judge William V. Gallo  
Cause: 28:1331 Fed. Question

Date Filed: 11/22/2010  
Date Terminated: 04/18/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Aaron Friedman**  
*on behalf of himself and all others similarly  
situated*

represented by **Gayle M Blatt**  
Casey, Gerry, Schenk, Francavilla, Blatt  
& Penfield LLP  
110 Laurel Street  
San Diego, CA 92101-1406  
(619)238-1811  
Fax: (619)544-9232  
Email: gmb@cglaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael Ian Rott**  
Hiden Rott and Oertle  
2635 Camino del Rio South  
Suite 306  
San Diego, CA 92108-3705  
(619)296-5884  
Fax: (619)296-5171  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Apple, Inc.**  
*a California Corporation*

represented by **Penelope A. Prevolos**  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105-2482  
(415) 268-7000  
Fax: (415) 268-7522  
Email: PPrevolos@mof.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**ATTMobility, LLC**  
*a Delaware Corporation*

**Defendant**

## DOES

1 through 10, inclusive

Date Filed	#	Docket Text
11/22/2010	<u>1</u>	COMPLAINT with Jury Demand against ATTMobility, LLC, Apple, Inc., DOES (Filing fee \$350, receipt number 0974-3088255), filed by Aaron Friedman. [Atty Maint]  The new case number is 3:10-cv-2403-JLS-POR. Judge Janis L. Sammartino and Magistrate Judge Louisa S Porter are assigned to the case. (Blatt, Gayle)(smy) (jcj). (Entered: 11/22/2010)
11/22/2010	<u>2</u>	Summons Issued. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1.</b> (smy) (jcj). (Entered: 11/22/2010)
12/01/2010	<u>3</u>	Minute Order: Magistrate Judge Barbara Lynn Major added to the case. Magistrate Judge Louisa S Porter is no longer assigned to case and Magistrate Judge Barbara Lynn Major is now assigned to the case. The new case number is 10cv2403-JLS (BLM). Signed by Magistrate Judge Louisa S Porter on 12/1/10. (All non-registered users served via U.S. Mail Service)(lmt) (mam). (Entered: 12/02/2010)
12/03/2010	<u>4</u>	Minute Order: Magistrate Judge Barbara Lynn Major recuses from this case and request a new Magistrate Judge be randomly drawn and assigned. Magistrate Judge William V. Gallo randomly assigned to this case. The new case number is 10cv2403 JLS WVG.(yeb) (Entered: 12/03/2010)
01/04/2011	<u>5</u>	WAIVER OF SERVICE Returned Executed by Aaron Friedman. Apple, Inc. waiver sent on 11/30/2010, answer due 1/31/2011. (Blatt, Gayle) (lmt). (Entered: 01/04/2011)
01/04/2011	<u>6</u>	WAIVER OF SERVICE Returned Executed by Aaron Friedman. ATTMobility, LLC waiver sent on 11/30/2010, answer due 1/31/2011. (Blatt, Gayle) (lmt). (Entered: 01/04/2011)
01/24/2011	<u>7</u>	NOTICE of Appearance by Penelope A. Prevolos on behalf of Apple, Inc. (Prevolos, Penelope) (lmt). (Entered: 01/24/2011)
01/24/2011	<u>8</u>	NOTICE of Party With Financial Interest by Apple, Inc. (Prevolos, Penelope) (lmt). (Entered: 01/24/2011)
01/24/2011	<u>9</u>	MOTION for Extension of Time to File Response/Reply <i>Joint Motion to Extend Defendants' Time to Respond to Class Action Complaint</i> by Apple, Inc.. (Prevolos, Penelope) Modified to correct event on 1/25/2011 (lmt). (Entered: 01/24/2011)
01/24/2011	<u>10</u>	CERTIFICATE OF SERVICE by Apple, Inc. re <u>7</u> Notice of Appearance, <u>9</u> MOTION for Extension of Time to File Response/Reply <i>Joint Motion to Extend Defendants' Time to Respond to Class Action Complaint</i> , <u>8</u> Notice of Party With Financial Interest and <i>[Proposed] Order Granting Joint Motion to Extend Defendants' Time to Respond to Class Action Complaint</i> (Prevolos, Penelope) (lmt). (Entered: 01/24/2011)
01/25/2011	<u>11</u>	ORDER granting <u>9</u> Joint Motion for Extension of Time to Responde to Class Action Complaint: ATTMobility, LLC answer due 3/2/2011; Apple, Inc. answer due 3/2/2011. Signed by Judge Janis L. Sammartino on 1/25/11. (All non-registered users served via U.S. Mail Service)(lmt) (Entered: 01/25/2011)
02/24/2011	<u>12</u>	Joint MOTION for Extension of Time to File Answer <i>Joint Motion to Further Extend Defendants' Time to Respond to Class Action Complaint</i> by Apple, Inc. (Prevolos, Penelope) (lmt). (Entered: 02/24/2011)
02/24/2011	<u>13</u>	

		CERTIFICATE OF SERVICE by Apple, Inc. re <u>12</u> MOTION for Extension of Time to File Answer <i>Joint Motion to Further Extend Defendants' Time to Respond to Class Action Complaint</i> (Preovolos, Penelope) (lmt). (Entered: 02/24/2011)
02/25/2011	<u>14</u>	ORDER granting <u>12</u> Joint Motion for Extension of Time to Answer: ATTMobility, LLC answer due 4/1/2011; Apple, Inc. answer due 4/1/2011. Signed by Judge Janis L. Sammartino on 2/25/11. (All non-registered users served via U.S. Mail Service) (lmt) (jrl). (Entered: 02/25/2011)
03/04/2011	<u>15</u>	MOTION for Change Venue by Apple, Inc.. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration D. House, # <u>3</u> Declaration S. Plunkett, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Proof of Service)(Preovolos, Penelope). Modified on 3/7/2011 – Plunkett Declaration has s/ signature. Email sent to Atty to file Corrected Declaration of S. Plunkett. Removed duplicate text (jah). (Entered: 03/04/2011)
03/07/2011	<u>16</u>	DECLARATION re <u>15</u> MOTION for Change Venue <i>Corrected Declaration of Stuart Plunkett</i> by Defendant Apple, Inc.. (Preovolos, Penelope) (lmt). (Entered: 03/07/2011)
03/07/2011	<u>17</u>	CERTIFICATE OF SERVICE by Apple, Inc. re <u>16</u> Declaration (Preovolos, Penelope) (lmt). (Entered: 03/07/2011)
03/08/2011	<u>18</u>	ORDER Setting Briefing Schedule as to <u>15</u> MOTION for Change Venue: Plaintiff shall file an opposition on or before 4/8/11. Defendant, if it wishes, shall file a reply on or before 4/15/11. Signed by Judge Janis L. Sammartino on 3/8/11.(All non-registered users served via U.S. Mail Service)(lmt) (jcj). (Entered: 03/08/2011)
03/29/2011	<u>19</u>	Joint MOTION for Extension of Time to File Answer <i>to Class Action Complaint</i> by Apple, Inc. (Attachments: # <u>1</u> Proof of Service)(Preovolos, Penelope) (lmt). (Entered: 03/29/2011)
03/29/2011	<u>20</u>	CERTIFICATE OF SERVICE by Apple, Inc. re <u>19</u> Joint MOTION for Extension of Time to File Response/Reply <i>to Class Action Complaint Amended Certificate of Service</i> (Preovolos, Penelope) (lmt). (Entered: 03/29/2011)
04/01/2011	<u>21</u>	ORDER granting <u>19</u> Joint Motion for Extension of Time to Respond to Complaint; ATTMobility, LLC answer due 5/31/2011; Apple, Inc. answer due 5/31/2011; Signed by Judge Janis L. Sammartino on 3/30/11. (All non-registered users served via U.S. Mail Service)(kaj) (jcj). (Entered: 04/01/2011)
04/14/2011	<u>22</u>	Joint MOTION for Change Venue <i>Joint Motion to Transfer Action to Northern District of California, San Jose Division</i> by Apple, Inc.. (Preovolos, Penelope) (lmt). (Entered: 04/14/2011)
04/14/2011	<u>23</u>	CERTIFICATE OF SERVICE by Apple, Inc. re <u>22</u> MOTION for Change Venue <i>Joint Motion to Transfer Action to Northern District of California, San Jose Division</i> (Preovolos, Penelope) (lmt). (Entered: 04/14/2011)
04/18/2011	<u>24</u>	ORDER granting Joint Motion to Change Venue: The Clerk of this Court is to close the file in this Court and to transfer the file to the United States District Court, Northern District of California, San Jose Division. Signed by Judge Janis L. Sammartino on 4/18/11. (lmt) (Entered: 04/18/2011)
04/18/2011	<u>25</u>	Case transferred to United States District Court, Northern District of California, San Jose Division. Files transferred electronically to: *United States District Court, Northern District of California, San Jose Division*. *280 South 1st Street**San Jose, CA 95113*. Signed by Judge Janis L. Sammartino on 4/18/11. (All non-registered users served via U.S. Mail Service)(lmt) (Additional attachment(s) added on 4/18/2011: # <u>1</u> Transfer Order) (lmt). (Entered: 04/18/2011)