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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JETHRO MAGAT, an individual, on behalf of himself  
and all others who are similarly situated  
  
PLAINTIFF(S)  
  
v.  
  
APPLE INC., a California Corporation; and DOES 1  
through 10, inclusive  
  
DEFENDANT(S).

CASE NUMBER  
  
SA 11 CV 00938 Doc (RNBK)  
  
SUMMONS

TO: DEFENDANT(S): APPLE INC., a California Corporation; and DOES 1 through 10, inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, FELAHY LAW GROUP, whose address is 4000 COVER STREET, SUITE 100, LONG BEACH, CA 90808. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: JUN 29 2011

Clerk, U.S. District Court

By: NANCY K. [Signature]  
Deputy Clerk  
(Seal of the Court)  
1191

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> JETHRO MAGAT, an individual, on behalf of himself and all others who are similarly situated	<b>DEFENDANTS</b> APPLE INC., a California Corporation; AT&T Corp., a New York corporation; and DOES 1 through 10 <sup>+</sup> inclusive
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<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  FELAHY LAW GROUP 4000 Cover Street, Suite 100 Long Beach, CA 90808	Attorneys (If Known)
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<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding    
  2 Removed from State Court    
  3 Remanded from Appellate Court    
  4 Reinstated or Reopened    
  5 Transferred from another district (specify):    
  6 Multi-District Litigation    
  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes    No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes    No     **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Ten Causes of Action, including Violation of the Federal Communications Act, Products liability, Intentional misrepresentation, Negligent misrepresentation, Fraud

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 90 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input checked="" type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input checked="" type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

SA11CV00938

**FOR OFFICE USE ONLY:** Cas \_\_\_\_\_

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): 10-cv-02862

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

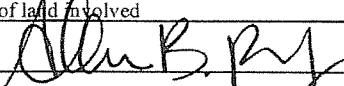
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Santa Clara County (Apple, Inc.): New York (AT&T Corp.)

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County, Orange County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 6/22/11

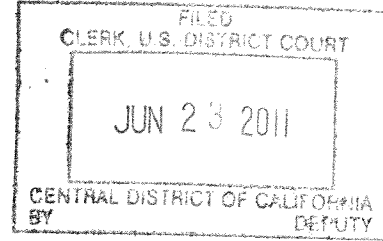
**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

1 Allen B. Felahy, Esq., SBN 190177  
2 Oscar Ramirez, Esq., SBN 236768  
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8 (562) 499-2124 fax

9 Attorneys for Plaintiff Jethro Magat



10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 JETHRO MAGAT, an individual, on  
13 behalf of himself and all others who are  
14 similarly situated

15 Plaintiff,

16 vs.

17 APPLE INC., a California Corporation;  
18 and DOES 1 through 10, inclusive,

19 Defendants.

20 C/ SA 11CV00938 DOC (RNB) 2  
21 **CLASS ACTION COMPLAINT**

- 22 1. Products Liability - Negligence;
- 23 2. Products Liability - Defect in Design,  
24 Manufacture, and Assembly;
- 25 3. Products Liability - Breach of Express and  
26 Implied Warranty of Merchantability;
- 27 4. Intentional Misrepresentation;
- 28 5. Negligent Misrepresentation;
6. Fraud by Concealment;
7. Unfair Business Practices (California  
Business and Professional Code § 17200);
8. Unjust Enrichment.

**DEMAND FOR JURY TRIAL**

20 Plaintiff Jethro Magat, ("plaintiff"), on behalf of himself and all others similarly situated, brings  
21 this complaint against Apple Inc., ("Defendant"), and alleges as follows:

22 **INTRODUCTION**

- 23 1. This is a class action against Defendant that arises from their defective design and  
24 manufacturing of the Apple iPhone 4 (the "iPhone 4"), manufactured and  
25 marketed by Defendant. The iPhone 4 manifests design and manufacturing  
26 defects that were known to Defendant before it was released which were not  
27 disclosed to consumers, namely, a connection problem caused by the iPhone 4's  
28 antenna configuration that makes it difficult or impossible to maintain a

1 connection. Defendants have failed to provide customer support to assist iPhone 4  
2 customers regarding this defect. Consumers are left with three options: hold their  
3 phones in an awkward and unnatural manner; return their phones and pay 10%  
4 "restocking fee", or purchase Apple's own "bumper" cases for their phones,  
5 costing \$29.95 in addition to the premium they have already paid for the phones  
6 themselves, which may somewhat ameliorate the iPhone 4's defects.

7 **THE PARTIES**

- 8 2 Plaintiff Jethro Magat is, and at all relevant times hereto has been, a resident of  
9 the State of California. Plaintiff purchased an iPhone 4 phone on January 19, 2011  
10 at an AT&T retail store in Orange, California.
- 11 3. Defendant Apple Inc. ("Apple") is a California corporation that maintains its  
12 principal place of business at 1 Infinite Loop, Cupertino, California, USA, 95014.  
13 Apple has developed, designed, manufactured, assembled, branded, promoted,  
14 marketed, distributed and/or sold the Product throughout the United States.
- 15 4. Plaintiff is ignorant of the true names of Defendants DOES 1 through 100,  
16 inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff  
17 will amend this complaint to allege their true names and capacities when  
18 ascertained, together with apt and proper charging words. Plaintiff is informed  
19 and believes and on that basis alleges that each of the fictitiously named  
20 DEFENDANTS is responsible in some manner for the occurrences alleged in the  
21 complaint and that Plaintiff's injuries, as alleged, were proximately caused by the  
22 acts or omissions of each of them. APPLE and DOES 1-100 shall hereinafter be  
23 collectively referred to as DEFENDANTS.
- 24 5. Plaintiff is informed and believes and on that basis alleges that each of the  
25 DEFENDANTS, including DOES, were and are the agents, employees, servants,  
26 subsidiaries, partners, members, associates, or representatives of each other  
27 Defendant, including DOES, and all of the things alleged to have been done by  
28 the DEFENDANTS, and each of them, were done in the course and scope of the

1 agency, employment, service, or representative relationship and with the  
2 knowledge and consent of their respective principals, employers, masters, parent  
3 corporations, partners, members, associates, or representatives. In committing the  
4 unlawful and wrongful acts as alleged herein, Defendants planned and  
5 participated in and furthered a common scheme by means of manufacturing,  
6 marketing and selling the Product despite the Product's inability to maintain  
7 connectivity. Further, Defendants failed to provide adequate customer service to  
8 Plaintiff and the Class to cope with this defect.

### 9 CLASS ACTION ALLEGATIONS

- 10 6. Plaintiff brings these actions on behalf of himself and all other persons similarly  
11 situated within the United States of America, or such states as the Court  
12 determines to be appropriate. These actions have been brought and may properly  
13 be maintained pursuant to the provisions of Federal Rules of Civil Procedure  
14 23(a)(1)-(4), 23(b)(3), and 23(c)(4)(A) and satisfy the numerosity, commonality,  
15 typicality, adequacy, predominance, and superiority requirements.
- 16 7. The Class is currently defined as follows: "All persons within the United States  
17 who have purchased an Apple iPhone 4 since June 15, 2010."

#### 18 **A. Numerosity**

- 19 8. Class members are so numerous that individual joinder of all members is  
20 impracticable. While the precise number of Class members has not been  
21 determined at this time, and the facts to determine that number presently are  
22 within Defendants' sole control, based on public reports Plaintiff believes the  
23 number of Class members who have bought the iPhone 4 during the class period  
24 is over 1.7 million people.
- 25 9. Class members are readily ascertainable. Defendants' sales and service records  
26 contain information as to the number and location of all Class members. Because  
27 Defendants should have accurate and detailed sales and service information  
28

1 regarding individual Class members and up-to-date contact information,  
2 including their e-mail or SMS addresses, an easy and accurate method is available  
3 for identifying and notifying Class members of the pendency of this action.

4 **B. Commonality**

5 10. Common questions of law and fact predominate over questions affecting  
6 individual Class members. These common questions of law and fact include the  
7 following:

- 8 (a) Whether Defendants advertised and sold the Apple iPhone 4 by  
9 promoting the Product's speed and performance, when in fact the  
10 actual performance was materially different, and worse, than the  
11 promises and claims made by Defendants;
- 12 (b) Whether Defendants were negligent in the design, manufacturing,  
13 and distribution of the iPhone 4;
- 14 (c) Whether the iPhone 4 units designed, manufactured, marketed,  
15 distributed, or sold by Defendant from June 15, 2010 until the  
16 present unfit for their intended purpose and use because of their  
17 design;
- 18 (d) Whether Defendants breached any warranties in selling the iPhone 4  
19 units;
- 20 (e) Whether Defendants intentionally misrepresented material facts  
21 relating to the character and quality of the iPhone 4;
- 22 (f) Whether Defendants failed to disclose material facts about  
23 limitations in the speed and performance characteristics of the  
24 Apple iPhone 4 to consumers, and;
- 25 (g) Whether Defendants forced Class members to pay unjust charges  
26 for the goods and services they were sold by Defendants, as well as  
27 whether that failure violates statutory and common law prohibitions  
28

1 against such conduct, as detailed more fully below.

2 **C. Typicality**

3 11. Plaintiff's claims are typical of the claims of the Class. Plaintiff sustained injury  
4 and a loss of money or property arising from, and as a result of, Defendants'  
5 unlawful common course of conduct. Plaintiff purchased the Apple iPhone based  
6 in substantial part on the uniformly advertised claim of the phone having the  
7 characteristics of increased data transfer speed and greater performance than the  
8 phone provides. Those representations were a substantial factor in their decision  
9 to purchase the Apple iPhone 4. Plaintiff has received, at best, sporadic speed or  
10 connection with his Apple iPhone 4. He did not receive any disclosures from  
11 Defendants Apple before or after purchase explaining the material limitations in  
12 the Apple iPhone 4 and how its design materially reduces its performance such  
13 that the phones do not in fact provide connectivity and access, as a result of the  
14 iPhone 4's inherently defective design and manufacture. As a result, Plaintiff was  
15 sold a defective iPhone 4 unit, which drops calls and data service when held in a  
16 manner consistent with normal cellular phone use. Plaintiff has experienced  
17 numerous dropped calls and data connections, and as a result, Plaintiff is left with  
18 a device that cannot be used for the normal purpose and in the normal manner in  
19 which such devices are intended to be used. Plaintiff is unable to return the phone  
20 without incurring a substantial restocking fee. As a result of the defect in the  
21 iPhone 4, Plaintiff has suffered monetary damages. Defendants' design,  
22 manufacture, marketing, distribution, or sale of the defective iPhone has directly  
23 and proximately caused all class members to suffer injury. Accordingly, Plaintiff  
24 has been subjected to substantially the same wrongdoing as all other class  
25 members. Plaintiff and all class members have sustained identical monetary  
26 damages due to the purchase of the defective iPhone 4 product.

27 **D. Adequacy of Representation**



1 12. Plaintiff can fairly and adequately represent and protect the Class's interests.  
2 Plaintiff's claim is both typical of the Class' claim and is based on facts that are  
3 common to the Class. The Plaintiff has suffered injuries and damages arising from  
4 Defendants' conduct similar to the injuries and damages suffered by the Class. As  
5 such, Plaintiff can adequately represent the Class because he seeks the same or  
6 similar remedies that would be available to other Class members. No  
7 irreconcilable conflicts exist between the positions of Plaintiff and those of the  
8 Class members.

9 13. Plaintiff has retained attorneys who are competent and experienced in litigating  
10 significant class actions to represent their interests and that of the Class. Counsel  
11 have significant experience in handling class actions and the types of claims  
12 asserted herein, and have been appointed as class counsel by courts in other  
13 actions. Plaintiff and his counsel already have done significant work in identifying  
14 and investigating the potential claims in this action, and are willing to devote the  
15 necessary resources to vigorously litigate this action. Plaintiff and his counsel are  
16 aware of their fiduciary responsibilities to the Class to represent fairly and  
17 adequately the Class and are determined to discharge those duties by seeking the  
18 maximum possible recovery for the Class based on the merits of these claims and  
19 the available resources.

20 **E. Superiority of a Class Action**

21 14. A class action is a superior method for resolving the claim herein alleged as  
22 compared to other available group-wide methods for adjudicating this issue. The  
23 remedy to resolve the common class-wide issue regarding the issue detailed  
24 herein would be to replace existing iPhone 4s with versions that work properly; to  
25 refund the cost of the Apple iPhone 4, or to advance funds to iPhone 4 users for  
26 the provision of Apple's "Bumper" case or other iPhone 4 cases if those cases can  
27 remedy the manufacturing defects of the phone as described herein. Because of  
28

1 the nearly-certain low individual damage amount, which is less than \$1,000 per  
2 Class member in almost every conceivable circumstance, individual members  
3 would have little incentive to prosecute such a claim on an individual basis. Such  
4 individual actions are not cost-effective or practical, as the costs associated with  
5 proving a prima facie case would exceed the obtainable recovery.

- 6 15. Important interests are served by addressing the issue raised in the Complaint in a  
7 class action. Adjudication of individual claims would result in a great expenditure  
8 of court and public resources. Resolving the claims on a class-wide basis results  
9 in significant cost savings. Class action treatment allows similarly situated  
10 persons to litigate their claims in the manner that is most efficient and economical  
11 for the parties and the judicial system.
- 12 16. There is a substantial likelihood of inconsistent verdicts, which would frustrate  
13 the resolution of this legal issue for Defendants and force them to comply with  
14 inconsistent legal standards.
- 15 17. Failure to certify a class would make it impossible for a great many of the Class  
16 members to seek relief. For those who seek judicial relief, there is a strong  
17 likelihood that separate court rulings would lead to inconsistent verdicts, working  
18 a substantial prejudice on Defendants, especially, as in this case, where equitable  
19 relief is being sought. A class action presents fewer management difficulties and  
20 provides the benefits of single adjudication, economy of scale and comprehensive  
21 supervision by a single court.
- 22 18. Plaintiff is unaware of any insurmountable difficulties in the management of this  
23 action to preclude its maintenance as a class action and believes his claim can be  
24 established at trial on a class-wide basis.
- 25  
26  
27

## JURISDICTION AND VENUE

- 1           19.    This Court has jurisdiction over the subject of this Complaint under the Class  
2                    Action Fairness Act, 18 U.S.C. § 1332(d). In the aggregate, the damages suffered  
3                    and sought to be recovered by Plaintiff and the Class exceed the Court's  
4                    jurisdictional minimum for a class action. The exact amount of damages caused to  
5                    Class members cannot be precisely determined without access to Defendants'  
6                    records.
- 7           20.    Claims arising under the Federal Communications Act create a question that this  
8                    Court must determine under 18 U.S.C. § 1331.
- 9           21.    This Court has jurisdiction over Defendants because Defendants are either a  
10                   corporation or an association organized under the laws of California, a foreign  
11                   corporation or association authorized to do business in California and registered  
12                   with the California Secretary of State, or does sufficient business or minimum  
13                   contacts with California, or otherwise intentionally avails itself of the California  
14                   markets through the promotion, marketing, advertising and/or sales of their  
15                   products and services in California to render the exercise of jurisdiction by  
16                   California courts permissible under traditional notions of fair play and substantial  
17                   justice.
- 18          22.    Venue is proper in the United States District Court for the Central District of  
19                   California since a substantial portion of the acts and practices underlying this  
20                   Complaint occurred here.
- 21          23.    Because Defendant Apple sold the Product through its web site, essential acts  
22                   consummating the sale of each and every Product occurred in this District.

#### STATEMENT OF FACTS

- 24          24.    Defendant Apple is a consumer electronics and computing company that entered  
25                   the retail business for cell phones in 2007 when it announced the production of its  
26                   first "smartphone:" the first generation iPhone. Smartphones are multi-functional  
27                   mobile devices with advanced capabilities. Smartphones have become a lucrative  
28                   market for companies, who are scrambling for market share in this highly

1 competitive field.

- 2 25. In June 2010, Apple released the iPhone 4, its fourth-generation smartphone,  
3 touting a new design for its iPhone smartphone that features a metal band that  
4 wraps around the edge of the phone on four sides. The band serves as the iPhone  
5 4's antenna.
- 6 26. An estimated 1.7 million iPhone 4s were sold or delivered in the first week of its  
7 release, June 21 through June 25, 2010.
- 8 27. The iPhone 4 has been widely marketed and distributed. First officially  
9 announced by Apple on June 7, 2010 by Steve Jobs, CEO of Apple, the phone  
10 was advertised by Apple and AT&T as having a redesigned wireless antenna  
11 placement, with its antenna now integrated into the metal side plates encasing the  
12 outer edges of the phone.
- 13 28. Defendants and Steve Jobs in particular claimed this new antenna design  
14 improved call quality and reception, and made no reference to the necessity of  
15 holding the phone in an awkward position or to spend more money on a case that  
16 may correct the problem.
- 17 29. Users of the iPhone 4 across the United States and the world have found that this  
18 design "upgrade" to the iPhone causes a serious problem with connectivity.  
19 Because the antenna for the phone surrounds the entire phone, it is nearly  
20 impossible to hold the phone without touching the antenna. Touching an antenna  
21 on a cell phone invariably results in decreased functionality of the phone.
- 22 30. These design and manufacturing defects have been well-established by users, who  
23 have documented the problem – when the phone is touched on its metal edge,  
24 particularly in the lower corners of the phone, its connection is severely decreased  
25 or disappears altogether. This problem was apparent immediately after the phone  
26 began shipping to customers the week of June 21, 2010.
- 27 31. For the first time since the first generation iPhone was introduced on June 27,  
28

1 2009, Apple is now marketing and selling a first-party case for the iPhone, a  
2 rubber band-like strip that surrounds the metal edge of the phone that serves as its  
3 antenna, called a "Bumper". The "Bumper" retails on Apple's website and brick  
4 and mortar stores for \$29.95 each.

5 32. In sum, Apple's response to the problem inherent to the iPhone 4's design has  
6 been two fold: hold it differently, or purchase from Apple a \$29 "Bumper" case  
7 that surrounds the entire metal band encircling the phone.

8 33. Plaintiff is informed and believes and thereon alleges that this is a known defect  
9 in the iPhone 4 which was never disclosed to its purchasers, and which Apple  
10 now is using as a means to further enrich itself at the expense of its users.

11 34. Plaintiff and other members of the Class were injured in fact and lost money or  
12 property as a result of Defendants' material misstatements and omissions material  
13 fact, paying more to receive inferior service and an inferior product in relation to  
14 what they believed they had purchased.

15 35. As a result of Defendants' material misrepresentations and omissions of material  
16 facts, Plaintiff and other members of the Class are locked into a two-year service  
17 plan with a device provides inferior network connectivity.

18 36. A substantial factor in entering into those agreements was the representation that  
19 the iPhone 4 would operate fully functional and as an actual improvement, rather  
20 than a retrogression, from earlier versions of the phone.

21 37. Plaintiff and other Class members were injured, either directly or indirectly, in  
22 response to the representations, advertising and/or other promotional materials  
23 that were prepared and approved by Defendants and disseminated on the face of  
24 the product and/or through assertions that contained the representations regarding  
25 the iPhone 4. Had the true facts been disclosed, Plaintiff and other Class members  
26 would not have purchased the iPhone 4 at the prices and under the terms and  
27 conditions to which they were and are subjected, or put in a position where they  
28

1 must pay additional funds to Apple or other parties in order to make the iPhone 4  
2 a fully-functional device.

3 38. Defendants failed to disclose at the time of making their false and misleading  
4 statements to Plaintiff and the Class that the iPhone 4 itself was defective and  
5 inadequate to provide the represented performance and speed, resulting in injury  
6 to the Plaintiffs and the Class.

7 39. Prior to the release of the iPhone 4, Defendants widely distributed promotional  
8 literature showing the phone being held in a manner that causes the voice and data  
9 connectivity to drop. Defendants represented to the public, to plaintiff, and to  
10 class members, that the iPhone 4 could be held in a manner in which people  
11 typically hold cell phones. If the iPhone 4 is held in a manner consistent with  
12 Defendant's advertisements and marketing materials, it will not function as  
13 intended.

14 40. Plaintiff is informed and believe, and on that basis, herein allege that Defendants  
15 did not act with due care when designing, manufacturing, marketing, and selling  
16 the defective iPhone 4. Defendants also failed to use due care by failing to issue a  
17 voluntary recall or at by to iPhone 4s.

18 41. At all relevant times, Defendants had actual or constructive knowledge of the  
19 foregoing problems with the iPhone 4 antenna design and placement and,  
20 therefore, is directly liable for the injuries to Plaintiff and class members.

21 42. Plaintiff, individually and on behalf of all class members, alleges that he had no  
22 knowledge of the defects inherent in the iPhone 4. Plaintiff and class members  
23 could not have known or reasonably discovered, or had reason to know of the  
24 defect inherent in the iPhone until after they purchased and began using the  
25 product. Plaintiff and class members were informed and believed, and allege  
26 thereon, that they could not have known or reasonably discovered that Apple's  
27 defective design of the iPhone 4 would cause the harm suffered by Plaintiff and  
28 class members.

1 43. Defendants knowingly concealed the defect in the iPhone 4 until it became clear  
2 by overwhelming proof presented in the media that the iPhone 4 was defective.  
3 By engaging in the conduct described thus far, Defendants are guilty of fraud, and  
4 Plaintiff and class members are, therefore, entitled to recover exemplary and  
5 punitive damages.

6 **FIRST CAUSE OF ACTION**

7 Against All Defendants

8 (Products Liability - Negligence)

9 44. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
10 though fully set forth herein.

11 45. Defendants, in designing, manufacturing, marketing, and distributing the iPhone 4  
12 had a duty to Plaintiff and class members to do so in a reasonable manner and to  
13 ensure that the product was without defect.

14 46. Defendants breached this duty when it placed the defective product into the  
15 stream of commerce either with knowledge or negligently unaware of its  
16 defective nature.

17 47. As a direct and proximate result of Defendants' negligence, the defective iPhone 4  
18 has caused economic injury to Plaintiffs and all class members.

19  
20 **SECOND CAUSE OF ACTION**

21 Against all Defendants

22 (Products Liability - Defect in Design, Manufacture, and Assembly)

23 48. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
24 though fully set forth herein.

25 49. The iPhone 4 units that are subject of the instant action were not reasonably fit,  
26 suitable, or safe for their intended use by reason of a defect in their design,  
27 manufacture, or assembly, which caused them to not function properly as a  
28 cellular communication device.

- 1 50. The defect in design, manufacture, or assembly existed at the time Defendants  
2 placed the iphone4 units into the stream of commerce.
- 3 51. The iphone 4 units were used in their intended and reasonably foreseeable way  
4 when they failed to function properly and caused economic damage and harm to  
5 Plaintiff and all class members.
- 6 52. As a direct and proximate result thereof, Plaintiff and class members have been  
7 injured and damaged.

8  
9 **THIRD CAUSE OF ACTION**

10 Against All Defendants

11 (Products Liability - Breach of Express and Implied Warranty)

- 12 53. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
13 though fully set forth herein.
- 14 54. Plaintiff and Class members purchased their Apple iPhone 4s and used them for  
15 their ordinary and intended purpose of providing consistent, reliable and sustained  
16 connectivity, and entered into agreements with Defendants or their agents and  
17 received uniform warranties in connection with the purchase of such phones.
- 18 55. Apple iPhone 4 cannot perform its ordinary and represented purpose because the  
19 Apple iPhone 4 does not provide consistent connectivity.
- 20 56. When Defendants placed the Apple iPhone 4 into the stream of commerce, they  
21 knew, reasonably should have known, or were obligated to understand that the  
22 intended and ordinary purpose of their phone was to provide consistent  
23 connectivity and that users would expect regular connectivity and materially faster  
24 data transfer rates than other devices and previous iPhone through ordinary use of  
25 the Apple iPhone 4.
- 26 57. Plaintiffs and the Class purchased their Apple iPhone 4s with the reasonable  
27 expectation that they would receive reliable and sustained connectivity. The  
28 advertisements Defendants disseminated that stressed the excellence and



1 reliability of the Apple iPhone 4, and its new antenna design constitute a warranty  
2 that the products would operate as advertised during their useful life, upon which  
3 Plaintiffs and the Class reasonably acted. The Apple iPhone 4 is not fit for its  
4 warranted, advertised, ordinary and intended purpose of providing reliable  
5 network connectivity and is in fact defective, or would not pass without objection  
6 in the trade or industry in terms of being unable to provide consistent and reliable  
7 network connectivity through ordinary use. This defect has manifested for all  
8 Plaintiffs and Class members as they do not consistently receive network  
9 connectivity using their Apple iPhone 4.

10 58. Defendants' breach of the warranty described above also constitutes a violation of  
11 Cal. Civ. Code § 1792, et seq.

12 59. Plaintiff and Class members were injured and are entitled to damages as a result  
13 of such breaches. Plaintiff and the Class request relief as described below as  
14 appropriate for this Cause of Action.

15 **FOURTH CAUSE OF ACTION**

16 Against All Defendants

17 (Intentional Misrepresentation)

18 60. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
19 though fully set forth herein.

20 61. At all times herein referred to, Defendants were engaged in the business of  
21 designing, manufacturing, marketing, distributing, or selling the iPhone 4 units  
22 which are the subject of the instant litigation.

23 62. Defendants, acting through its officers, agents, servants, representatives, or  
24 employees, delivered the iPhone 4 units to their own retail stores, distributors, and  
25 various other distribution channels.

26 63. Defendants willfully, falsely, and knowingly misrepresented material facts  
27 relating to the character and quality of the iPhone 4 units. These  
28 misrepresentations are contained in various media advertising and packaging

1 disseminated or caused to be disseminated by Defendants, and such  
2 misrepresentations were reiterated and disseminated by officers, agents,  
3 representatives, servants, or employees of Defendants, acting within the line and  
4 scope of their authority, so employed by Defendants to merchandise and market  
5 the product. Specifically, the promotional literature showed the iPhone 4 units  
6 being used and held in a manner which causes the units to lose data and voice  
7 connectivity, and promoted the new antenna design of the iPhone as improving  
8 reception performance.

9 64. Defendants' representations were made with the intent that the general public,  
10 including Plaintiff and class members, rely upon them. Defendants'  
11 representations were made with knowledge of the falsity of such statements, or in  
12 reckless disregard of the truth thereof.

13 65. In actual reasonable reliance upon Defendant' s misrepresentations, Plaintiff and  
14 class members purchased and used the iPhone 4 units for their intended and  
15 reasonably foreseeable purposes: i.e., as smartphones. Plaintiff and class members  
16 were unaware of the existence of facts that Defendants suppressed and failed to  
17 disclose. If they had been aware of the suppressed facts, Plaintiff and class  
18 members would not have purchased the defective iPhone 4 units at pricing and  
19 contractual terms at which they were sold by Defendants.

20 66. Plaintiff and class members are informed and believe, and thereon allege, that  
21 Defendants misrepresented material facts with the intent to defraud Plaintiffs and  
22 class members. Plaintiffs and class members were unaware of the intent of  
23 Defendant and relied upon the representations of Defendant in agreeing to  
24 purchase the iPhone 4 units.

25 67. Plaintiff and class members' reliance on the representations of Defendant was  
26 reasonable.

27 68. In actual and reasonable reliance upon Defendant's misrepresentations, Plaintiff  
28 and class members purchased the defective iPhone 4 units and used them in the

1 way in which they were intended, the direct and proximate result of which was  
2 injury and harm to the Plaintiffs and class members.

3  
4 **FIFTH CAUSE OF ACTION**

5 Against all Defendants

6 (Negligent Misrepresentation)

- 7 69. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
8 though fully set forth herein.
- 9 70. Defendants negligently and recklessly misrepresented various material facts  
10 regarding the quality and character of the iphone 4 and its service, under  
11 circumstances where Defendant either knew, or, in the exercise of reasonable  
12 care, should have known that the representations were not true or were not known  
13 to be true. These misrepresentations were contained in various advertising,  
14 packaging, and correspondence from Defendants, and such misrepresentations  
15 were further reiterated and disseminated by the officers, agents, representatives,  
16 servants, or employees of Defendants acting within the scope of their authority.
- 17 71. In reliance upon the misrepresentations, Plaintiffs and class members purchased  
18 the iphone 4 for use as a cellular communication device. Had Plaintiffs or class  
19 members known the true facts, including, but not limited to, the fact that the  
20 iphone 4 units were defectively designed, they would not have purchased the units  
21 from Defendants.
- 22 72. As a direct result and proximate consequence of Defendants' negligent  
23 misrepresentations, Plaintiffs and class members have been injured.

24 **SIXTH CAUSE OF ACTION**

25 Against all Defendants

26 (Fraud by Concealment)

- 27 73. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
28 though fully set forth herein.

- 1 74. Plaintiff is informed and believes, and thereon alleges, that Defendant knew that  
2 the iPhone 4 units would lose connectivity when used in their normal intended  
3 manner, and that Defendants concealed this fact.
- 4 75. Defendants had a duty to disclose the information to Plaintiffs and class members.  
5 Defendants failed to timely disclose this information to Plaintiff and class  
6 members. Further, Defendants actively suppressed and concealed the fact that the  
7 iPhone 4 could not be held in a manner consistent with the normal usage of  
8 cellular communications devices.
- 9 76. Defendant concealed such information for the purpose of inducing the purchase  
10 and use of iPhone 4 units designed, manufactured, distributed, and sold by  
11 Defendants.
- 12 77. Plaintiff and class members were unaware of the existence of facts, which  
13 Defendants failed to disclose and actively suppressed and concealed. If Plaintiff  
14 had been aware of the facts not disclosed by Defendant, they would not have  
15 agreed to the purchase or use of the defective iPhone 4 units and the pricing and  
16 contractual terms at which they were sold. Plaintiffs and class members are  
17 informed and believe and thereon allege that Defendants concealed such material  
18 facts with the intent to defraud Plaintiffs and class members. Under the  
19 circumstances, especially Defendants omitted and material facts, Plaintiff and  
20 class members' reliance on the representations of Defendant was reasonable.
- 21 78. As a result of Defendants' material omissions, failure to disclose, and active  
22 concealment, Plaintiff and class members purchased and used Defendants'  
23 defective iPhone 4 units in the way in which they were intended, the direct and  
24 proximate result of which was injury and harm to the Plaintiff and class members.

25  
26 **SEVENTH CAUSE OF ACTION**

27 Against all Defendants

28 (Violation of the Unfair Competition Law)

- 1 79. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
2 though fully set forth herein.
- 3 80. Defendants' acts and practices, described herein, constitute unlawful, unfair or  
4 fraudulent business practices in violation of the Unfair Competition Law,  
5 Business & Professional Code sections 17200 et seq.
- 6 81. Defendants' acts and practices, described herein, violate the CLRA, Civil Code  
7 2 section 1770, et seq., and constitute unlawful, unfair or fraudulent business  
8 practices in violation of the Unfair Competition Law, Business & Professions  
9 Code sections 17200 et seq.
- 10 82. Defendants have engaged in unfair business practices in connection with their  
11 failure to disclose a manufacturing and design defect in the Product that was  
12 known to defendants which renders the Product unmerchantable and to fail at its  
13 essential purpose, which acts and omissions violate the CLRA, which seeks to  
14 protect consumers against unfair and shall) business practices and to promote a  
15 basic level of honesty and reliability in the marketplace. Moreover, the utility of  
16 Defendants' conduct, if any, is outweighed by the harm it causes to Plaintiff and  
17 the Class. Defendants' acts and practices are immoral, unethical, oppressive,  
18 unscrupulous, or substantially injurious to Plaintiff and the Class.
- 19 83. Plaintiff and the Class have been lost money and were injured in fact by and as a  
20 result of Defendants' unfair and unlawful practices.
- 21 84. Pursuant to Business and Professions Code sections 17200, 17203 and 17204,  
22 Plaintiff, on behalf of himself, the Class and the general public, seeks an order of  
23 this Court: enjoining Defendants from continuing the unfair business practices  
24 described herein. Plaintiff additionally requests an order awarding Plaintiff and  
25 the Class restitution of all monies wrongfully acquired from the class by means of  
26 such unlawful acts and practices, so as to deter Defendants and to rectify  
27 Defendant's unfair and unlawful practices and to restore any and all monies to  
28 Plaintiff and the Class and to the general public, which are still retained by

1 Defendants, plus interest, attorneys' fees and costs pursuant to, inter alia, Code of  
2 Civil Procedure section 1021.5.

3  
4 **EIGHTH CAUSE OF ACTION**

5 Against All Defendants

6 (Unjust Enrichment)

- 7 85. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
8 though fully set forth herein.
- 9 86. Defendants have benefitted and been enriched by the above-alleged conduct.  
10 Defendants have generated revenue from the unlawful conduct described above.
- 11 87. Defendants have knowledge of this benefit.
- 12 88. Defendants have voluntarily accepted and retain this benefit.
- 13 89. The circumstances, as described herein are that it would inequitable  
14 Defendants to retain the ill-gotten benefit without paying the value thereof to  
15 Plaintiff and the Class.
- 16 90. Plaintiff and the Class are entitled to the amount of Defendants' ill-gotten gains,  
17 including interest, resulting from its unlawful, unjust, unfair and inequitable  
18 conduct as alleged herein. may make claims on a pro rata restitution.
- 19 91. Accordingly, and in addition, Plaintiff seeks the imposition of a constructive trust  
20 on those monies by which the Defendants have been unjustly enriched as a result  
21 of the unlawful practices described herein.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff prays for judgment and relief as follows as appropriate for the  
24 above cause of action:

- 25 1. An award of actual, statutory, and/or exemplary damages, as appropriate for the  
26 particular Case of Action;
- 27 2. A temporary, preliminary and/or permanent order for injunctive relief enjoining  
28 Defendants from pursuing the policies, acts and practices complained of herein;

3. A declaratory judgment stating that Defendants may not pursue the policies, acts and practices complained of herein;
4. A temporary, preliminary and/or permanent order for injunctive relief requiring Defendants to undertake an informational campaign to inform members of the general public as to the wrongfulness of Defendants' practices;
5. An order requiring disgorgement of Defendants' ill-gotten gains by requiring the payment of restitution to Plaintiff; as appropriate;
6. For compensatory, general, special, consequential, and incidental damages in amount to be proven at trial;
7. Reasonable attorneys' fees;
8. All related costs of this suit;
9. Pre and post-judgment interest; and
10. Such other and further relief as the Court may deem necessary or appropriate.


**JURY DEMAND**

Plaintiff and the Class demand a trial by jury on all claims so triable.

Respectfully Submitted,

FELAHY LAW GROUP

Dated: June 22, 2011

By:   
ALLEN FELAHY, ESQ.,  
OSCAR RAMIREZ, ESQ.,  
Attorney for Plaintiff Jethro Magat

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

**SACV11- 938 DOC (RNBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.