

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROBERT HERSKOWITZ, individually and on )  
behalf of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
APPLE INC., )  
 )  
Defendant. )

Case No.: 12-CV-02131-LHK  
Related Case No.: 12-CV-03124-LHK

**ORDER CONSOLIDATING CASES**

PHOEBE JUEL, individually and on behalf of all )  
others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
APPLE INC., )  
 )  
Defendant. )

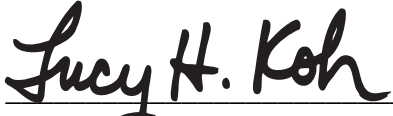
Before the Court is Apple Inc.'s Motion to Consolidate the two above-captioned cases. *See* 12-CV-02131-LHK, ECF No. 19; 12-CV-03124-LHK, ECF No. 27. Plaintiff Herskowitz opposes this motion, 12-CV-02131-LHK, ECF No. 26, as does Plaintiff Juel, 12-CV-03124-LHK, ECF No. 31. Pursuant to Rule 42(a)(1) of the Federal Rules of Civil Procedure, "[i]f actions before the court involve a common question of law or fact, the court may (1) join for hearing or trial any or all matters at issue in the actions; [or] (2) consolidate the actions . . . ."

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The Court has reviewed Defendant’s motion and the relevant filings in both cases and finds that these cases involve common questions of law and fact and that consolidation will promote judicial economy. Specifically, the plaintiffs in both cases purport to represent nationwide classes of purchasers of iTunes songs who were allegedly charged more than once for the same song. Accordingly, Defendant’s Motion to Consolidate the two cases is GRANTED. The case management conference set for November 8, 2012, at 1:30 p.m. remains as set. The parties shall file a Joint Case Management Statement by noon on Wednesday, November 7, 2012.

**IT IS SO ORDERED.**

Dated: November 2, 2012

  
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LUCY H. KOH  
United States District Judge