

JS 44 CAND (Rev. 12/11)

CIVIL COVER SHEET

FILE VIA FAX 99

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS: Danyelle Comer; (b) County of Residence of First Listed Plaintiff: San Diego; (c) Attorneys: David E. Bower (SBN 119546) of Faruqi & Faruqi, LLP; DEFENDANTS: Apple, Inc.; County of Residence of First Listed Defendant: Santa Clara; NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION: 3 Federal Question (U.S. Government Not a Party); 4 Diversity; III. CITIZENSHIP OF PRINCIPAL PARTIES: Citizen of This State (Plaintiff), Citizen of Another State (Defendant), Foreign Nation (Defendant).

IV. NATURE OF SUIT: CONTRACT (110-119), REAL PROPERTY (210-290), TORTS (310-368), PERSONAL INJURY (365-385), FORFEITURE/PENALTY (625-690), LABOR (710-791), IMMIGRATION (462-465), BANKRUPTCY (422-423), SOCIAL SECURITY (861-865), FEDERAL TAX SUITS (870-871), OTHER STATUTES (375-950).

V. ORIGIN: 1 Original Proceeding; 2 Removed from State Court; 3 Remanded from Appellate Court; 4 Reinstated or Reopened; 5 Transferred from another district; 6 Multidistrict Litigation.

VI. CAUSE OF ACTION: 28 USC 2301 Magnuson-Moss; Deceptive Advertising and False advertising and breach of Warranty regarding products manufactured and sold.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23; DEMAND \$: Excess of 3,000,000; JURY DEMAND: Yes.

VIII. RELATED CASE(S) IF ANY: JUDGE: DOCKET NUMBER:

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2): SAN FRANCISCO/OAKLAND, SAN JOSE, EUREKA.

DATE: 05/15/2012; SIGNATURE OF ATTORNEY OF RECORD: [Signature]