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 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

14 ADAM BACKHAUT, BOUAKHAY JOY
 15 BACKHAUT, and KENNETH MORRIS, on
 behalf of themselves and all others similarly
 16 situated,

17 Plaintiffs,

18 v.

19 APPLE INC.,

20 Defendant.

CASE NO.: 5:14-cv-02269(LHK)

21 **NOTICE OF RELATED CASE**
PURSUANT TO CIVIL L.R. 3-12 TO BE
FILED IN CASE NO. CV-02269(LHK);
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED

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 Notice of Related Case;
 Admin. Mot. To Consider Whether to Relate Cases
 Case No. CV-02269 (LHK)

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that a related case *Adam Backhaut, et al. v. Apple, Inc.*, Case
3 No. CV-02285(LHK), was filed on May 16, 2014, in the United State District Court for the
4 Northern District of California. Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United
5 State District Court for the Northern District of California, Plaintiffs Adam Backhaut, Bouakhay
6 Joy Backhaut, and Kenneth Morris on behalf of themselves and other similarly situated
7 (hereinafter “Plaintiffs”) hereby respectfully submit this Notice of Related Case Pursuant to Civil
8 L.R. 3-12 and the required Administrative Motion to Consider Whether Cases Should be
9 Related, Pursuant to Civil L.R. 7-11

10 **I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12**

11 Under Civil Local Rule 3-12 an “action is related to another when: (1) the actions
12 concern substantially the same parties, property, transaction or event, and (2) it appears likely
13 that there will be an unduly burdensome duplication of labor and expense or conflicting
14 results....” Civil L.R. 3-12(a).

15 Whenever a party knows or believes that an action may be related to an action which is or
16 was pending in the Northern District, that party “must promptly file in the earliest-filed case an
17 Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-
18 11”¹ Civil L.R. 3-12(b). That motion must include: “(1) The title and case number of each
19 apparently related case; (2) A brief statement of the relationship of the actions according to the
20 criteria set forth in Civil L.R. 3-12(a).”

21 **II. MOORE AND BACKHAUT CASES ARE RELATED.**

22 The *Adam Backhaut, et al. v. Apple, Inc.*, Case No. CV-02285(LHK) action should be
23 related to *Adrienne Moore, et al. v. Apple, Inc.*, Case No. CV-02269(LHK). Both of the
24 apparently related cases are before the Honorable Lucy H. Koh.

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26 _____
27 ¹ “In addition to complying with Civil L.R. 7-11, a copy of the motion, together with proof of service pursuant to
28 Civil L.R. 5-6, must be served on all known parties to each apparently related action. A Chambers copy of the
motion must be lodged with the assigned Judge in each apparently related case under Civil L. R. 5-1(b)” Civil L.R.
3-12(b).

1 The two actions are related because they arise from the same or substantially identical
2 transactions, happenings or events, and call for the determination of the same or substantially
3 identical questions and fact, and related questions of law. In particular, all the actions involve
4 allegations that the Apple iMessage system fails to send text messages to former iMessage users
5 if they are no longer using the iMessage system. Apple, Inc. is the sole defendant in both actions.

6 For the foregoing reasons, the relation of these two cases is likely to effect a saving of
7 judicial effort and other economies, and it will diminish the likelihood of inconsistent results.

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9 Dated: May 21, 2014

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