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Counsel for Defendant Apple Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

ADRIENNE MOORE, On Behalf Of
 Herself And All Others Similarly Situated,

 Plaintiffs,

 vs.

 APPLE INC.,

 Defendant.

Case No.: 5:14-cv-2269-LHK

**STIPULATION AND ~~[PROPOSED]~~ ORDER
 REGARDING PLAINTIFF'S PERSONAL
 APPEARANCE AT SETTLEMENT
 CONFERENCE**

**Settlement Judge: Hon. Nathaniel Cousins
 Settlement Conference Date: April 1, 2016
 Settlement Conference Time: 9:30 am
 Courtroom: 7, 4th Floor**

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1 WHEREAS, on March 2, 2016, the Honorable Lucy H. Koh, the presiding judge in the
2 above-entitled action, referred the parties to a Settlement Conference before the Honorable
3 Nathaniel Cousins;

4 WHEREAS, on March 3, 2016, Magistrate Judge Cousins scheduled the Settlement
5 Conference for April 1, 2016 at 9:30 am;

6 WHEREAS, pursuant to Magistrate Judge Cousins' Settlement Conference Standing
7 Order, all parties and their counsel are required to attend the settlement conference in person, not
8 by telephone;

9 WHEREAS, this action was filed as a putative class action on behalf of a putative class of
10 former Apple iPhone owners, and Plaintiff Adrienne Moore was the named plaintiff;

11 WHEREAS, on August 4, 2015, the Court denied Plaintiff Adrienne Moore's motion for
12 class certification and on November 20, 2015, the Court denied Plaintiff's motion for leave to file
13 a motion for reconsideration of the Court's denial of class certification;

14 WHEREAS, on December 4, 2015, Plaintiff filed a Rule 23(f) Petition before the United
15 States Court of Appeals for the Ninth Circuit seeking permission to appeal the district court's
16 denial of class certification on an interlocutory basis, and that Petition has yet to be ruled upon by
17 the Ninth Circuit;

18 WHEREAS, in support of her motion for class certification, Plaintiff's expert economist
19 opined that the averaged damages per individual class member amounted to \$3.46;

20 WHEREAS, given the current posture of the case where class certification has been
21 denied and no decision on the pending Rule 23(f) Petition has been issued to date, the pertinent
22 controversy for settlement purposes centers on any amount of attorneys' fees and costs that may
23 be offered or agreed upon, as opposed to the alleged de minimis individual damages sustained by
24 Ms. Moore;

25 WHEREAS, Plaintiff resides in Los Angeles, works there, and has a son there, such that
26 traveling to San Jose in order to appear in person at the April 1st Settlement Conference would
27 pose a burden, particularly when she may be called upon to appear again at the upcoming trial
28 scheduled for May 9, 2016;

1 WHEREAS, Plaintiff has given her counsel full authority with respect to the Settlement
2 Conference and will remain available to engage counsel and the Settlement Conference judge by
3 telephone during the Settlement Conference;

4 WHEREAS, counsel for the parties have conferred and agreed that Ms. Moore's in-person
5 attendance at the April 1st Settlement Conference may be excused provided she remain available
6 to telephonically obtain any communications from the Court or counsel during the Settlement
7 Conference;

8 The parties to the above-entitled action hereby Stipulate and agree, subject to Court
9 approval, as follows:

- 10 1. Plaintiff Adrienne Moore's in-person attendance at the April 1, 2016 shall not be
11 required, provided that Ms. Moore shall remain accessible by telephone to receive any
12 communications from the Court or counsel during the Settlement Conference.

13 Respectfully submitted,

14 Dated: March 25, 2016

/s/ Roy A. Katriel
Roy A. Katriel
THE KATRIEL LAW FIRM
Counsel for Plaintiff Adrienne Moore

17 Dated: March 25, 2016

/s/ David M. Walsh
David M. Walsh
MORRISON & FOERSTER, LLP
Counsel for Defendant Apple Inc.

21 *Attestation: The filer of this document attests that the concurrence of the signatories thereunto
has been obtained.*

24 **IT IS SO ORDERED.**

25 Dated: March 28, 2016

26 By: _____

