

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AVI KOSCHITZKI, On Behalf Of Himself
and all Others Similarly Situated,

Plaintiff,

v.

APPLE, INC. and AT&T MOBILITY INC.

Defendants.

Civil Action No. 08 Civ. 4451 (JBW) (VVP)

**NOTICE OF FILING OF MOTION TO TRANSFER
PURSUANT TO 28 U.S.C. § 1407**

TO THE CLERK OF THIS COURT AND TO ALL PARTIES AND THEIR
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 5, 2009, pursuant to 28 U.S.C.
§ 1407, Apple submitted for filing with the Judicial Panel on Multidistrict Litigation a
motion for transfer and consolidation of this and eleven similar actions. Copies of the
motion and supporting documents are attached hereto as Exhibits A, B, C, and D.

Defendant Apple Inc. files this Notice pursuant to Rule 5.12(c) of the Rules of
the Judicial Panel for the purpose of informing the Court of the pendency of the
proceedings before the MDL Panel and will keep the Court informed of further
developments.

Dated: New York, New York
March 5, 2009

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