

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 SECOND SUPPLEMENTAL FILING RELATING TO 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 11, 2009, in connection with the motion for transfer and consolidation of this and eleven similar actions that Apple filed with the Judicial Panel on Multidistrict Litigation (the "JPML") on March 5, 2009 pursuant to 28 U.S.C. § 1407, Apple submitted the following documents to the JPML:

- SECOND REVISED SCHEDULE OF PENDING ACTIONS; and
- PROOF OF SERVICE.

Copies of the documents are attached hereto as Exhibits A and B.

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 11, 2009

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Attorneys for Defendant  
APPLE INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he/she/they served a copy of the foregoing  
**NOTICE OF SECOND SUPPLEMENTAL FILING RELATING TO MOTION TO  
TRANSFER PURSUANT TO 28 U.S.C. § 1407** to the following via U.S. Mail, postage  
prepaid, on March 11, 2009:

Joshua Farkas  
Stein Farkas & Schwartz LLP  
1639 East 13th Street  
Brooklyn, NY 11229

*Attorneys for Plaintiff Koschitzki*

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Mia R. Gimenez

**ATTESTATION OF E-FILED SIGNATURE**

I, Andrew D. Muhlbach, am the ECF User whose ID and password are being used to file  
this Certificate of Service. In compliance with General Order 45, X.B., I hereby attest that Mia  
Gimenez has read and approved this Proof of Service and consents to its filing in this action.

Dated: March 11, 2009.

MORRISON & FOERSTER LLP

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/s/ Andrew D. Muhlbach

Andrew D. Muhlbach