

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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ALEJANDRO VIVAR, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,

Plaintiff,

- against -

APPLE, INC.,

Defendant.

**22-cv-0347 (VM)**

**ORDER**

**VICTOR MARRERO, United States District Judge.**

The Court has reviewed the pre-motion letters exchanged by the parties regarding Defendant's anticipated motion to dismiss the First Amended Class Action Complaint and is not persuaded that a pre-motion conference is necessary at this time. (See Dkt. No. 23.)

Accordingly, the Court directs the parties to advise whether they consent for the Court to deem the pre-motion letters to constitute a fully briefed motion to dismiss the First Amended Class Action Complaint and rule on the basis of the limited briefs or whether the parties request supplemental or full briefing. If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within two (2) weeks of the date of this Order.

**SO ORDERED.**

Dated: 21 November, 2022  
New York, New York



Victor Marrero  
U.S.D.J.