

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ALYCE R. PAYNE, WILLIAM FRENCH, §
KAREN MICHAELS, and LORNA §
HARRIS, on Behalf of Themselves and all §
Others Similarly Situated, §

Plaintiffs, §

v. §

APPLE INC. and AT&T MOBILITY LLC, §

Defendant. §

CIVIL ACTION NO. 09-cv-00042

**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: March 11, 2009

DON G. RUSHING
MORRISON & FOERSTER LLP

By: /s/ Don G. Rushing
Don G. Rushing

Attorneys for Defendant
APPLE INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service on the 11th day of March 2009. Local Rule CV-5.

By: /s/ Don G. Rushing
Don G. Rushing