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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NO. C 09-02045 JW

In Re: Apple iPhone 3G Products Liability
Litigation

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE;
CONSOLIDATING CASES FOR MDL
PURPOSES; AND ADOPTING
PLAINTIFFS' PROPOSED CLASS
COUNSEL STRUCTURE**

On September 21, 2009, the Court conducted a Case Management Conference. Counsel for the respective parties were present. In light of the discussion at the Conference, the Court orders as follows:

- (1) The Court GRANTS Class Plaintiffs' Joint Motion for Appointment of Interim Class Counsel Structure. (Docket Item No. 6.) The Court adopts the leadership structure as presented in the Plaintiffs' Proposed Unopposed Order Approving Plaintiffs' Counsel Structure. (Id. at Ex. 4.)
- (2) Plaintiffs' counsel in all cases not yet transferred to this District represented to the Court that they would consent to transfer the cases to this District for all purposes.¹ Accordingly, on or before **September 28, 2009**, the parties in those cases shall file the appropriate consent. To the extent Defendants continue to object to Plaintiffs'

¹ The Court recognizes that Defendants have reserved their rights to object to the transferring of cases for all purposes.

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consent to transfer to this District for all purposes, Defendants shall file their objections on or before **October 5, 2009**.

(3) At this time, the Court finds good cause to GRANT the parties' Joint Motion to Consolidate Related Actions for Pre-Trial Purposes and to Permit Filing of Consolidated Master Complaint. (Docket Item No. 5.) On or before **October 21, 2009**, Plaintiffs shall file their Consolidated Master Complaint in this MDL case number.

(4) The parties shall appear for a Case Management Conference on **December 9, 2009 at 9 a.m.** On or before **November 25, 2009**, the parties shall file a Joint Case Management Statement. The Statement shall, among other things, provide a status update regarding the pleadings, a proposed discovery timeline, as well as any anticipated motions challenging the pleadings. Defendants shall file their anticipated Motions to Dismiss or any other Motion on or before **December 4, 2009**. The Court will set a briefing schedule for oppositions and replies as well as a hearing date at the Case Management Conference.

(5) The Court finds good cause to excuse the parties from the ADR process at this time. In addition, discovery shall be held in abeyance until the December 9, 2009 conference.

Dated: September 22, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: September 22, 2009

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**