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8 Co-Lead Counsel for Plaintiffs and the Proposed Class

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 IN RE APPLE IPHONE 4 PRODUCTS
13 LIABILITY LITIGATION

MDL Docket No. 10-2188 (RMW)

14 THIS DOCUMENT RELATES TO:

15 All Actions

16 **DECLARATION OF IRA P.**
17 **ROTHKEN IN SUPPORT OF MOTION**
18 **FOR PRELIMINARY APPROVAL OF**
19 **CLASS SETTLEMENT**

20 DATE: February 17, 2012
21 TIME: 2:00 P.M.
22 CTRM: 8, 4th Floor

23 Judge: Hon. Ronald M. Whyte

24 I, Ira P. Rothken, declare:

- 25 1. I am a member in good standing of the State Bar of California, and owner of
26 the Rothken Law Firm, attorneys of record for Plaintiffs in this action. I am
27 also a Co-Lead Counsel in this litigation. I have personal knowledge of the
28 facts below, and would competently testify thereto.
1. I have approximately eighteen (18) years of litigation experience. During
this time, I have prosecuted a substantial number of consumer actions, and
have served as Lead Counsel in numerous of these actions.

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3. Based on my experience handling consumer class actions and other cases similar to this case, I believe that the settlement of this action is appropriate and the settlement terms are fair, adequate and reasonable. I have based these conclusions on, *inter alia*, what I have learned regarding the strengths and weaknesses of the case from the independent investigation Plaintiffs have conducted, the information that Plaintiffs have obtained from Defendants and the information that Defendants have obtained from Plaintiffs. After considering the strengths and weaknesses of Plaintiffs' case, the strength and weaknesses of Defendants' defenses and the substantial expense, delay and risk inherent in further litigation through trial, and potentially, appeals, the terms of the settlement appear fair, adequate and reasonable and in the best interests of the proposed class.
 4. The settlement was the product of many months of arm's length negotiations between counsel, including, but not limited to mediations conducted by Hon. Daniel Weinstein (Ret.) and Cathy Yanni of JAMS and numerous independent negotiations.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of February, 2012 at Novato, California.



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