

# EXHIBIT B

**Jordan D. Maglich**  
2225 Soho Bay Ct  
Tampa, FL 33606  
813-347-5100 (Work)

**RECEIVED**

**APR - 3 2012**

Penelope A. Prevolos

March 29, 2012

**Via United States Mail**

The Honorable Judge Ronald M. Whyte  
c/o Clerk of the Court  
United States District Court  
for the Northern District of California  
San Jose Division  
280 South 1st Street  
San Jose, CA 95113

Re: *In re Apple iPhone 4 Products Liability Litigation*,  
Case No. 5:10-md-02188-RMW

Judge Whyte,

Please accept this correspondence as my objection to the proposed settlement in the above-captioned case (the “**Settlement**”). I am objecting on the grounds that the Settlement (1) is neither fair, reasonable, nor accurate; (2) is the result of frivolous and unnecessary litigation; and (3) provides for an award of attorneys’ fees and expenses that are wholly undeserved and “shock the conscience.” For these reasons, I request that you reject the Settlement.

As both an attorney in private practice and a shareholder of Apple, it is distressing to witness the continued and wanton abuse of our legal system in the so-called “class action sweepstakes”. While taking the appearance of determined advocates seeking to rectify wrongs on behalf of aggrieved clients, the whole process is nothing more than a first-to-file contest whose sole goal is to line the pockets of those so-called advocates at the expense of company shareholders, while returning a pittance, if anything, to those individuals allegedly wronged in the first place.

The relief contained in the settlement is far from reasonable, and warrants the rejection of the Settlement. Indeed, the gap between the amount of proposed relief for “victims” and the award of attorneys’ fees is grounds alone to reject the Settlement. Indeed, to quote the Ninth Circuit’s recent opinion in *In re Bluetooth Headset Products Liability Litigation*<sup>1</sup>, “the disparity between the value of the class recovery and class counsel’s compensation raises at least an

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<sup>1</sup> District Case No. 2:07-ml-01822-DSF-E. A copy of the opinion is available at <http://www.ca9.uscourts.gov/datastore/opinions/2011/08/19/09-56683.pdf>

The Honorable Judge Ronald M. Whyte

Page 2

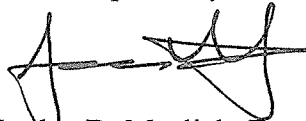
March 29, 2012

inference of unfairness.” Additionally, Apple has already taken actions to alleviate any concerns of potentially unsatisfied customers that make this Settlement entirely unnecessary.

While seeking to return \$15 to each Claimant who completes the claims process and whose claim is approved, the attorneys in this case seek an award of nearly \$6 million for their efforts. I have reviewed the docket in this matter, and am amazed at the contrast between the large amount of the award and the lack of nearly any substantive filings by the attorneys seeking this award. A large portion of the docket consists of attorney information for each putative plaintiff. Moreover, out of forty-eight docket entries, a near-majority consists of stipulations and orders continuing the case management conference from February 25, 2011, when it was originally scheduled, until the conference was removed from the calendar in late-October, 2011. The only substantive motion, besides the memorandum seeking the approval of the settlement, is a 54-page class action complaint. Thus, the attorneys essentially seek a separate award of nearly \$6 million for the filing of a 54-page complaint and their efforts to postpone the case management conference. These actions serve no purpose other than the thinly-veiled attempt to line the pockets of class-action attorneys at the expense of both the target company and the judicial system.

For the aforementioned reasons, I respectfully request that you reject the proposed settlement in the above-captioned case.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jordan D. Maglich', written over a horizontal line.

Jordan D. Maglich, Esq.

cc: Rick Nelson  
Class Member Relations  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101

Penelope A. Prevolos  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105-2482