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18	UNITED STATES DISTRICT COURT				
	CMIEDSTATES	DISTRICT COURT			
19	NORTHERN DISTRICT OF CAI	LIFORNIA, SAN JOSE DIVISION			
20	CHRISTINA GRACE and KEN POTTER	CASE NO. 5:17-cv-00551-LHK-NC			
	Individually and on Behalf of All Others	CASE IVO. 3.17 CV 00331 EIIX IVC			
21	Similarly Situated,	CLASS ACTION			
22					
	Plaintiffs,	NOTICE OF MOTION AND MOTION FOR			
23	,	FINAL APPROVAL OF CLASS ACTION			
	VS.	SETTLEMENT; MEMORANDUM OF			
24		POINTS AND AUTHORITIES IN SUPPORT			
25	APPLE INC.,	THEREOF			
25					
26	Defendant.	Date: February 8, 2021			
		<b>Time:</b> 1:30 p.m.			
27		Courtroom: 8			
28					
40					



#### TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 8, 2021 at 1:30 p.m. or as soon thereafter as the matter may be heard in the Courtroom of the Honorable Lucy H. Koh, United States District Court, Northern District of California, San Jose Division, 280 South 1st Street, San Jose, CA 95113, Plaintiffs Christina Grace and Ken Potter ("Plaintiffs") will and hereby do move the Court, pursuant to Federal Rule of Civil Procedure 23(e), for the entry of an Order granting final approval of the Settlement Agreement between Plaintiffs and Defendant Apple Inc. ("Apple").

The grounds for this motion are that the proposed settlement is within the necessary range of reasonableness to justify granting final approval pursuant to Federal Rule of Civil Procedure 23(e). This motion is based upon this Notice of Motion and Motion for Final Approval of Class Action Settlement, the Declaration of Daniel L. Warshaw, the Declaration of Cameron R. Azari, the pleadings and papers on file in this action, and such oral and documentary evidence as may be presented at the hearing on this motion.

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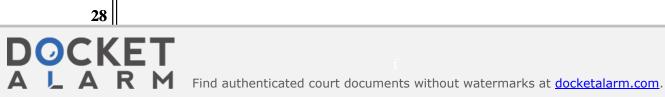


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3	Cases		
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6 7	In re Anthem, Inc. Data Breach Litig., 327 F.R.D. 299 (N.D. Cal. 2018)		
8	In re Apple Sec. Litig., No. 5:06-CV-05208-JF (HRL), 2011 WL 1877988 (N.D. Cal. May 17, 2011)		
9 10	Betancourt v. Advantage Human Resourcing, Inc., No. 14-CV-01788-JST, 2016 WL 344532 (N.D. Cal. Jan. 28, 2016)		
11	In re Bluetooth Headset Prods. Liab. Litig., 654 F.3d 935 (9th Cir. 2011)		
12 13	Brown v. Hain Celestial Grp., Inc., 3:11-CV-03082-LB, 2016 WL 631880 (N.D. Cal. Feb. 17, 2016)		
14 15	Castaneda v. Burger King Corp., No. C 08-04262 WHA, 2010 WL 2735091 (N.D. Cal. July 12, 2010)		
16	Caudle v. Sprint/United Mgmt. Co., No. C 17-06874 WHA, 2019 WL 6841239 (N.D. Cal. Dec. 16, 2019)		
17 18	Chambers v. Whirlpool Corp., 214 F. Supp. 3d 877 (C.D. Cal. 2016)		
19 20	Churchill Vill., L.L.C. v. Gen. Elec., 361 F.3d 566 (9th Cir. 2004)		
21	Class Plaintiffs v. City of Seattle, 955 F.2d 1268 (9th Cir. 1992)		
22 23	Cobell v. Salazar, 679 F.3d 909 (D.C. Cir. 2012)		
24 25	Collins v. Quincy Bioscience, LLC, No. 19-22864-Civ (MGC) (S.D. Fla.), Dkt. No. 176		
26	In re Equifax Inc. Customer Data Sec. Breach Litig., No. 1:17-MD-2800-TWT, 2020 WL 256132 (N.D. Ga. Mar. 17, 2020)		
27	G. F. v. Contra Costa Cty., No. 13-CV-03667-MEJ. 2015 WL 4606078 (N.D. Cal. July 30, 2015)		



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