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21	NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION						
22	IN RE: APPLE INC. DEVICE	Case No. 5:18-md-02827-EJD					
	PERFORMANCE LITIGATION						
23		NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF					
24	This Document Relates to:	PROPOSED SETTLEMENT; MEMORANDUM OF POINTS AND					
25	ALL ACTIONS	AUTHORITIES IN SUPPORT THEREOF					
26		Judge: Hon. Edward J. Davila					
27		Courtroom: 4, 5th Floor Date: April 3, 2020					
		Time: 1:30 p.m.					
28							



NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 3, 2020, at 1:30 p.m., in Courtroom 4 of the United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South First Street, San Jose, California 95113, the Honorable Edward J. Davila, presiding, Named Plaintiffs¹ will and hereby do move for an Order pursuant to Rule 23 of the Federal Rules of Civil Procedure ("Rule"): (i) preliminarily approving the proposed Settlement; (ii) certifying a class for settlement purposes ("Settlement Class"); (iii) approving the form and manner of notice to the Settlement Class; (iv) approving the selection of the Settlement Administrator; and (iv) scheduling a Final Hearing before the Court.

The proposed Settlement is within the range of what is fair, reasonable, and adequate such that notice of its terms may be disseminated to Settlement Class Members and a Final Hearing to finally approve the proposed Settlement scheduled.

This motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities set forth below, the accompanying Joint Declaration of Joseph W. Cotchett and Laurence D. King in Support of Plaintiffs' Motion for Preliminary Approval of Proposed Settlement, dated February 28, 2020 ("Joint Declaration"), and the exhibits attached thereto, the Stipulation of Settlement dated February 28, 2020 ("Stipulation" or "Settlement"), and the exhibits attached thereto, the pleadings and records on file in this Action, and other such matters and argument as the Court may consider at the hearing of this motion.

STATEMENT OF ISSUES TO BE DECIDED

1. Whether the proposed Settlement is within the range of fairness, reasonableness, and adequacy as to warrant: (a) the Court's preliminary approval; (b) certification of a Settlement Class for settlement purposes; (c) the dissemination of Notice of its terms to Settlement Class Members; and (d) setting a hearing date for final approval of the Settlement as well as application of attorneys' fees, service awards, and reimbursement of expenses;

¹ All capitalized words are defined in the Stipulation unless otherwise noted.

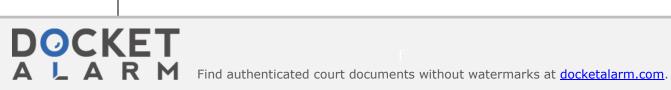




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