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Apple Inc. and Apple Value Services, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARL BARRETT, et al.,

Plaintiffs,

v.

APPLE INC. and APPLE VALUE SERVICES,  
LLC,

Defendants.

Case No. 5:20-cv-4812-EJD

The Honorable Edward J. Davila

**DEFENDANTS APPLE INC. AND APPLE  
VALUE SERVICES, LLC'S NOTICE OF  
MOTION AND MOTION TO DISMISS;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Hearing Date: January 14, 2021

Hearing Time: 9:00 a.m.

Courtroom: 4 (San Jose)

1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, on January 14, 2021, at 9:00 a.m., or as soon thereafter as the Court  
3 is available, in Courtroom 4 of the federal courthouse located at 280 South 1st Street, San Jose, CA 95113,  
4 Defendants Apple Inc. and Apple Value Services, LLC (collectively “Apple”) will, and hereby do, move  
5 to dismiss Plaintiffs’ Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on the  
6 grounds that it fails to state a plausible claim on which relief can be granted.

7 Apple’s Motion is based on this Notice of Motion and Motion, the following Memorandum of  
8 Points and Authorities, Apple’s concurrently-filed Request for Judicial Notice and exhibits thereto, any  
9 additional briefing on this subject, and the evidence and arguments that will be presented to the Court at  
10 the hearing on this matter.

11  
12 DATED: October 8, 2020

JENNER & BLOCK LLP

13  
14 By: s/ Kate T. Spelman  
15 Attorney for Defendants  
16 Apple Inc. and Apple Value Services, LLC  
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