

**JENNER & BLOCK LLP**

Kate T. Spelman (Cal. Bar No. 269109)  
kspelma@jenner.com  
Alexander M. Smith (Cal. Bar No. 295187)  
asmith@jenner.com  
Madeline P. Skitzki (Cal. Bar No. 318233)  
mskitzki@jenner.com  
633 West 5th Street, Suite 3600  
Los Angeles, CA 90071-2054  
Telephone: (213) 239-5100  
Facsimile: (213) 239-5199

Attorneys for Defendants  
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  
FIRST AMENDED COMPLAINT;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

**(REDACTED FOR PUBLIC FILING)**

Hearing Date: August 5, 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 August 5, 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’ First Amended Class Action Complaint pursuant to Federal Rule of Civil Procedure  
6 12(b)(6) on the 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: April 28, 2021

JENNER & BLOCK LLP

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