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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NESTOR ALMEIDA, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

APPLE INC.,

Defendant.

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DAPHNE PAREAS and DANIEL FRIEND,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

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Lead Case No. 3:21-cv-07109-VC

Consolidated with No. 3:21-cv-07112-VC

**APPLE INC.'S NOTICE OF AND  
MOTION TO DISMISS PLAINTIFFS'  
CONSOLIDATED CLASS ACTION  
COMPLAINT; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT THEREOF**

Date: March 17, 2022

Time: 10:00 a.m.

Dept.: Courtroom 4 – 17th Floor

Judge: Honorable Vince Chhabria

**NOTICE OF MOTION AND MOTION TO DISMISS**

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 17, 2022, at 10:00 a.m., or as soon thereafter as the matter may be heard, before the Honorable Vince Chhabria in Courtroom 4 – 17th Floor, located at 450 Golden Gate Avenue, San Francisco, California, Defendant Apple Inc. (“Apple”) will and hereby does move to dismiss all of Plaintiffs Daniel Friend, Daphne Pareas, Scott Seveland, Patrice Sherman, Nestor Almeida, Adelina Lavecchia, Dan Henderson, Maritza Angeles, Tim Inselmann, William West-Davis, Patricia Medberry, and Handy Colindrezs’ (collectively, “Plaintiffs”) claims pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted.

This motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities in support thereof, all other pleadings and papers on file herein, and such other argument and evidence as may be presented to the Court.

Dated: December 17, 2021

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

By: /s/ David R. Singh  
DAVID R. SINGH

Attorney for Defendant APPLE INC.

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