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Attorneys for Defendant APPLE INC.

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.

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

Plaintiffs,

v.

APPLE INC.,

Defendant.

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

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

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

Date: September 29, 2022

Time: 9:30 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 Thursday, September 29, 2022, at 9:30 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, at an in-person hearing, Defendant Apple Inc. (“Apple”) will and hereby does move to dismiss all claims pursued by 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 Colindrez (collectively, “Plaintiffs”) 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: July 15, 2022

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

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

Attorney for Defendant APPLE INC.

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