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APPLE INC.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALEX TOMEK, an individual and on behalf of all  
others similarly situated,

Plaintiffs,

v.

APPLE INC., a California corporation, and DOES  
1 through 20,

Defendants.

Case No. 2:11-cv-02700-MCE-DAD

**STIPULATION AND ORDER  
CONTINUING HEARING ON  
APPLE INC.'S MOTION TO  
DISMISS**

Date: January 26, 2012  
Time: 2:00 pm  
Ctvm: 7

Hon. Morrison C. England, Jr.

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Plaintiff Alex Tomek and Defendant Apple Inc. (“Apple”) hereby stipulate that the hearing on Apple’s Motion to Dismiss presently scheduled for 2 p.m., January 26, 2012, shall be continued to 2 p.m., February 23, 2012 in order to accommodate the schedule of counsel and to allow both parties an equal amount of time to prepare their opposition and reply briefs.

Plaintiff and defendant further stipulate that plaintiff’s brief in opposition to Apple’s Motion to Dismiss shall be filed and served on January 26, 2012, and Apple’s reply brief in support of the motion shall be filed and served on February 16, 2012.

Dated: December 20, 2011

ANTHONY A. FERRIGNO  
LAW OFFICES OF ANTHONY A.  
FERRIGNO

JACK T. HUMES  
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/s/ Jack T. Humes  
JACK T. HUMES  
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*Attorneys for Plaintiff*  
ALEX TOMEK

Dated: December 20, 2011

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**ORDER**

The hearing on Defendant Apple Inc.'s Motion to Dismiss is hereby continued until February 23, 2012 at 2:00 p.m. Plaintiff's brief in opposition to Apple's Motion to Dismiss shall be filed and served on January 26, 2012, and Apple's reply brief in support of the motion shall be filed and served on February 16, 2012.

IT IS SO ORDERED.

Dated: January 6, 2012

  
MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE