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7 Attorneys for Defendant  
APPLE INC.

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12  
13 NOAM LAZEBNIK, M.D., on behalf of  
himself and all other similarly situated,

14 Plaintiff,

15 v.

16 APPLE, INC.,

17 Defendant.  
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Case No. 5:13-CV-04145-EJD

JUDGE EDWARD J. DAVILA

**NOTICE OF SETTLEMENT AND  
STIPULATION AND [PROPOSED]  
ORDER TO POSTPONE PRELIMINARY  
PRETRIAL CONFERENCE**

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1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, the parties stipulate and respectfully  
2 request that the Court postpone the Preliminary Pretrial Conference, currently set for Friday,  
3 September 26, 2014, by two (2) weeks to Friday, October 10, 2014. Extending this deadline  
4 would have no effect on any other deadlines in this case.

5 As set forth in this Stipulation and the accompanying Declaration of Victoria L.  
6 Weatherford (“Weatherford Decl.”), the reason for this stipulated request is that the parties have  
7 reached a settlement of this action. The parties are working to document their settlement in a  
8 formal agreement and, upon completion, expect to file with the Court a stipulated dismissal of the  
9 case. The parties anticipate they can complete these steps within the next few weeks.

10 The parties have previously stipulated to extend Apple’s time to respond to Plaintiff’s  
11 Complaint on two occasions, the case management or fact discovery deadlines on four occasions,  
12 and the briefing schedule for Apple’s Motion for Judgment on the Pleadings. Accordingly,

13 WHEREAS, the parties have reached a settlement of this action and anticipate entering a  
14 stipulated dismissal within the next few weeks;

15 The parties hereby STIPULATE and agree, subject to Court approval, to extend the  
16 September 26, 2014 Preliminary Pretrial Conference by two (2) weeks, to October 10, 2014. All  
17 other deadlines currently in place will remain unchanged.

18  
19 Dated: September 19, 2014

/s/ Victoria L. Weatherford

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***Counsel for Defendant Apple, Inc.***

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Dated: September 19, 2014

/s/ Matthew R. Wilson  
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*Counsel for Plaintiff and the Proposed Class*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: September \_\_, 2014

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Hon. Edward J. Davila  
United States District Judge

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**ATTESTATION OF FILING**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Victoria L. Weatherford, hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

Dated: September 19, 2014

By: /s/ Victoria L. Weatherford  
Victoria L. Weatherford

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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 DR. NOAM LAZEBNIK, M.D., on behalf of  
13 himself and all others similarly situated,

14 Plaintiff,

15 v.

16 APPLE, INC.,

17 Defendant.

Case No. 13-CV-4145-EJD

**DECLARATION OF VICTORIA L.  
WEATHERFORD IN SUPPORT OF  
NOTICE OF SETTLEMENT AND  
STIPULATION AND PROPOSED  
ORDER POSTPONING  
PRELIMINARY PRETRIAL  
CONFERENCE**

Complaint filed: September 6, 2013

Trial date: None set.

**DECLARATION OF VICTORIA L. WEATHERFORD**

I, Victoria L. Weatherford, under penalty of perjury, declare:

1. I am an attorney licensed to practice law before all courts of the State of California and in the Northern District of California, and am an associate at O’Melveny & Myers LLP, counsel for defendant Apple Inc. (“Apple”) in this litigation. I make this Declaration pursuant to Civil Local Rules 6-1 and 6-2 in support of the parties; Notice of Settlement and Stipulation and Proposed Order Postponing Preliminary Pretrial Conference (the “Stipulation”), and submit this declaration based upon my personal knowledge.

2. On September 6, 2013, Plaintiff Noam Lazebnik (“Plaintiff”) filed his Complaint in the above-entitled action and served the summons and Complaint on Apple on September 9, 2013.

3. On December 2, 2013, Apple filed a timely Answer to the Complaint and filed an Amended Answer on December 23, 2013.

4. On January 10, 2014, Apple filed its motion for judgment on the pleadings (the “Motion”) [Dkt. 18].

5. Pursuant to ADR L.R. 3-5, the Parties participated in mediation in this action on March 21, 2014.

6. On August 29, 2014, the Court decided Apple’s Motion [Dkt. 42] (the “Order”).

7. The parties have reached a settlement of this action, and are working to reduce their agreement to writing. The parties anticipate filing a stipulated dismissal of this action within a few weeks.

9. The parties Stipulate and request the Court postpone the Preliminary Pretrial Conference, currently set for September 26, 2014, by two (2) weeks to October 10, 2014, to allow the parties time to finalize their settlement.

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10. Granting this Stipulation would not alter or amend any other deadline in this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 19th day of September 2014, in San Francisco, California.

By:           /s/ Victoria L. Weatherford            
Victoria L. Weatherford