

1 Francis O. Scarpulla (41059)
Patrick B. Clayton (240191)
2 Scarpulla Law Firm
456 Montgomery Street, 17th Floor
3 San Francisco, CA 94104
Telephone: 415-788-7210
4 Facsimile: 415-788-0706
Email: fos@scarpullalaw.com
5 pbc@scarpullalaw.com

6 Jonathan Shub (237708)
Kohn Swift & Graf, P.C.
7 One South Broad Street, Suite 2100
Philadelphia, PA 19107
8 Telephone: 215-238-1700
Facsimile: 215-238-1968
9 Email: jshub@koh Swift.com

10 Attorneys for Plaintiff
11 [Additional counsel listed on signature page]

12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15
16 STACEY PIERCE-NUNES, *et al.*, on
behalf of herself and all others similarly
17 situated,

18 Plaintiff,

19 v.

20 TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,

21 Defendant.
22

Case No. 2:14-cv-07242-DMG (KSx)

Hon. Judge Dolly M. Gee

NOTICE OF APPEAL

23
24
25
26
27
28

NOTICE OF APPEAL

1
2 Notice is hereby given that Plaintiff Aurelio Diaz, Plaintiff in the above-
3 named case, hereby appeals to the United States Court of Appeals for the Ninth
4 Circuit from, without limitation, the District Court’s Order dismissing his case with
5 prejudice, entered on September 8, 2016 (ECF No. 212); and the District Court’s
6 Order denying Plaintiff’s Motion for Class Certification, entered on June 23, 2016
7 (ECF No. 205).

8
9 DATED: October 7, 2016

RESPECTFULLY SUBMITTED,

10
11 By: /s/ Hayward J. Kaiser

Hayward J. Kaiser (66365)
Gilbert S. Lee (267247)
Mitchell Silberberg & Knupp LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064
Telephone: 310-312-2000
Facsimile: 310-312-3100
Email: hjk@msk.com
gsl@msk.com

Jonathan Shub (237708)
Kohn Swift & Graf, P.C.
One South Broad Street, Suite 2100
Philadelphia, PA 19107
Telephone: 215-238-1700
Facsimile: 215-238-1968
Email: jshub@kohswift.com

Francis O. Scarpulla (41059)
Patrick B. Clayton (240191)
Scarpulla Law Firm
456 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: 415-788-7210
Facsimile: 415-788-0706
Email: fos@scarpullalaw.com;
pbs@scarpullalaw.com

Daniel R. Shulman (*Admitted Pro Hac Vice*)
Gregory R. Merz (*Admitted Pro Hac Vice*)
Kathryn J. Bergstrom (*Admitted Pro Hac Vice*)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dean C. Eyler (*Admitted Pro Hac Vice*)
Gray Plant & Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: 612-632-3000
Facsimile: 612-632-4444
Email:
daniel.shulman@gpmlaw.com
gregory.merz@gpmlaw.com
katie.bergstrom@gpmlaw.com
dean.eyler@gpmlaw.com
Attorneys for Plaintiff and the proposed
classes

1 Francis O. Scarpulla (41059)
Patrick B. Clayton (240191)
2 Scarpulla Law Firm
456 Montgomery Street, 17th Floor
3 San Francisco, CA 94104
Telephone: 415-788-7210
4 Facsimile: 415-788-0706
Email: fos@scarpullalaw.com
5 pbc@scarpullalaw.com

6 Jonathan Shub (237708)
Kohn Swift & Graf, P.C.
7 One South Broad Street, Suite 2100
Philadelphia, PA 19107
8 Telephone: 215-238-1700
Facsimile: 215-238-1968
9 Email: jshub@koh Swift.com

10 Attorneys for Plaintiff
11 [Additional counsel listed on signature page]

12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15
16 STACEY PIERCE-NUNES, *et al.*, on
behalf of herself and all others similarly
17 situated,

18 Plaintiff,

19 v.

20 TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,

21 Defendant.
22

Case No. 2:14-cv-07242-DMG (KSx)

Hon. Judge Dolly M. Gee

**REPRESENTATION STATEMENT
PURSUANT TO CIRCUIT RULE 3-
2**

REPRESENTATION STATEMENT

Pursuant to Circuit Rule 3-2, Plaintiff Aurelio Diaz discloses the following:

Plaintiff-Appellant Aurelio Diaz

Plaintiff-Appellant’s Counsel

Hayward J. Kaiser (66365)
Gilbert S. Lee (267247)
Mitchell Silberberg & Knupp LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064
Telephone: 310-312-2000
Facsimile: 310-312-3100
Email: hjk@msk.com
gsl@msk.com

Jonathan Shub (237708)
Kohn Swift & Graf, P.C.
One South Broad Street, Suite 2100
Philadelphia, PA 19107
Telephone: 215-238-1700
Facsimile: 215-238-1968
Email: jshub@kohswift.com

Francis O. Scarpulla (41059)
Patrick B. Clayton (240191)
Scarpulla Law Firm
456 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: 415-788-7210
Facsimile: 415-788-0706
Email: fos@scarpullalaw.com;
pbs@scarpullalaw.com

Daniel R. Shulman (*Admitted Pro Hac Vice*)
Gregory R. Merz (*Admitted Pro Hac Vice*)
Kathryn J. Bergstrom (*Admitted Pro Hac Vice*)
Dean C. Eyler (*Admitted Pro Hac Vice*)
Gray Plant & Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: 612-632-3000
Facsimile: 612-632-4444
Email:
daniel.shulman@gpmlaw.com
gregory.merz@gpmlaw.com
katie.bergstrom@gpmlaw.com
dean.eyler@gpmlaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Plaintiff and the proposed classes

Defendant-Appellees Toshiba America Information Systems, Inc.; Toshiba Corporation; and Toshiba Lifestyle Services Corporation

Defendants-Appellees' Counsel

Sean A. Commons (SBN 217603)
Amanda R. Farfel (SBN 288126)
Sidley Austin LLP
555 West Fifth Street, Suite 4000
Los Angeles, CA 90013
Telephone: 213-896-6000
Facsimile: 213-896-6000
Email: scommons@sidley.com
afarfel@sidley.com

Theodore R. Scarborough (admitted pro hac vice)
Sidley Austin LLP
One South Dearborn Street
Chicago, Illinois 60603
Telephone: 312-853-7000
Facsimile: 312-853-7036
Email: tscarborough@sidley.com

Attorneys for Defendants