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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM SCOTT PHILLIPS and
SUZANNE SCHMIDT PHILLIPS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 5:15-cv-04879

Consolidated with No. 15-cv-05205-LHK

**PLAINTIFFS' NOTICE OF
CONSOLIDATED APPEAL**

WILLIAM COTTRELL, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Plaintiffs WILLIAM SCOTT PHILLIPS, SUZANNE SCHMIDT PHILLIPS, and WILLIAM COTTRELL ("Plaintiffs") hereby file this Notice hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Final Judgment entered in this consolidated action on the October 28, 2016, and all interlocutory orders which gave rise to that judgment, including but not limited to the April 19, 2016 order granting Defendant's Motion to Dismiss with Leave to Amend and the October 6, 2016 order granting Defendant's Motion to Dismiss With Prejudice in Part and Without Prejudice in Part. A copy of said Judgment is attached hereto as Exhibit A, and Pursuant to Ninth Circuit Rule 3-2(b), a Representation Statement is attached hereto as Exhibit B.

Respectfully Submitted,

Dated November 28, 2016

s/ S. Clinton Woods

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EXHIBIT A

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM SCOTT PHILLIPS, et al.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case Nos. 15-CV-04879-LHK
15-CV-05205-LHK

JUDGMENT

WILLIAM COTTRELL,

Plaintiff,

v.

APPLE INC.,

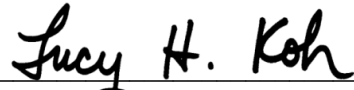
Defendant.

On October 6, 2016, the Court granted Defendant's motion to dismiss the complaint with leave to amend. ECF No. 68. Rather than amend the complaint, Plaintiffs have elected to stand on the sufficiency of the Second Amended Consolidated Complaint and request that the Court enter final judgment. ECF No. 73.

1 Plaintiffs have failed to file an amended complaint addressing the deficiencies identified in
2 the October 6, 2016 order. Therefore, judgment is entered in favor of the Defendant. The Clerk
3 shall close the files.

4 **IT IS SO ORDERED.**

5
6 Dated: October 28, 2016



LUCY H. KOH
United States District Judge

United States District Court
Northern District of California

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM SCOTT PHILLIPS, et al.,

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v.

APPLE INC.,

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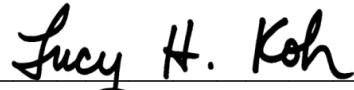
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LUCY H. KOH
United States District Judge

United States District Court
Northern District of California

EXHIBIT B

REPRESENTATION STATEMENT

Pursuant to Fed. R. App. 12(b) and Ninth Circuit Rule 3-2(b), notice is hereby given that Plaintiffs/Appellants WILLIAM SCOTT PHILLIPS and SUZANNE SCHMIDT PHILLIPS are represented by the following counsel:

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REPRESENTATION STATEMENT

Pursuant to Fed. R. App. 12(b) and Ninth Circuit Rule 3-2(b), notice is hereby given that Plaintiff/Appellant WILLIAM COTTRELL is represented by the following counsel:

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