

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 CITY OF ROSEVILLE EMPLOYEES'
4 RETIREMENT SYSTEM, Individually and on
5 Behalf of All Others Similarly Situated,

6 Plaintiff,

7 vs.

8 APPLE INC., TIMOTHY D. COOK and LUCA
9 MAESTRI,

10 Defendants.

Case No. 4:19-cv-02033-YGR

CLASS ACTION

**~~PROPOSED~~ ORDER FOR
CONSOLIDATION, APPOINTMENT AS
LEAD PLAINTIFF AND APPROVAL OF
SELECTION OF COUNSEL**

* As modified by the Court *

11 PRIYAM REDDY, Individually and on Behalf
12 of All Others Similarly Situated,

13 Plaintiff,

14 vs.

15 APPLE INC., TIMOTHY D. COOK and LUCA
16 MAESTRI,

17 Defendants.

Case No. 4:19-cv-02615-YGR

18 STEAMFITTERS LOCAL 449 PENSION
19 PLAN, Individually and on Behalf of All Others
20 Similarly Situated,

21 Plaintiff,

22 vs.

23 APPLE INC., TIMOTHY D. COOK and LUCA
24 MAESTRI,

25 Defendants.

Case No. 4:19-cv-02891-YGR

1 Having considered the motion of the Employees' Retirement System of the State of
2 Rhode Island ("Rhode Island") for consolidation of the above-captioned related actions,
3 appointment as Lead Plaintiff and approval of selection of Counsel (the "Motion"), and good
4 cause appearing therefore, the Court ORDERS as follows:

5 1. The Motion is granted.

6 2. The above-captioned related actions are consolidated for all purposes (the
7 "Action). This Order (the "Order") shall apply to the Action and to each case that relates to the
8 same subject matter that is subsequently filed in this Court or is transferred to this Court, and is
9 consolidated with the Action.

10 3. A Master File is established for this proceeding. The Master File shall be Civil
11 Action No. 4:19-cv-02033-YGR. All pleadings shall be filed in the Master File and noted on
12 the Master Docket. The files in Civil Actions Nos. 4:19-cv-02615-YGR (*Reddy v. Apple, et al.*)
13 and 4:19-cv-02891-YGR (*Steamfitters Local 449 Pension Plan v. Apple, et al.*) shall be
14 administratively closed.

15 4. Every pleading in the Action shall have the following caption:

16

IN RE APPLE INC. SECURITIES LITIGATION

Civil Action No. 4:19-cv-02033-YGR

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19 5. Each new case that arises out of the subject matter of the Action shall be
20 consolidated with the Action. This Order shall apply thereto, unless a party objects to
21 consolidation (as provided for herein), or to any provision of this Order, within ten (10) days
22 after the date upon which a copy of this Order is served on counsel for such party by filing an
23 application for relief, and this Court deems it appropriate to grant such application. Nothing in
24 the foregoing shall be construed as a waiver of Defendants' right to object to consolidation of
25 any subsequently-filed or transferred related action.

26 6. Rhode Island is appointed to serve as Lead Plaintiff in the Action pursuant to 15
27 U.S.C. § 78u-4(a)(3)(B).

1 7. Rhode Island’s selection of Labaton Sucharow LLP as Lead Counsel and
2 Wagstaffe, Von Loewenfeldt, Busch & Radwick LLP as Liaison Counsel for the Class in the
3 Action is approved pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v). Lead Counsel shall have the
4 authority to speak for all Plaintiffs and Class members in all matters regarding the litigation,
5 including, but not limited to, pretrial proceedings, motion practice, trial, and settlement. Lead
6 Counsel shall make all work assignments in such a manner as to facilitate the orderly and
7 efficient prosecution of this litigation, and to avoid duplicative or unproductive effort.

8 Additionally, Lead Counsel shall have the following responsibilities:

- 9 a. to brief and argue motions;
- 10 b. to initiate and conduct discovery, including, but not limited to,
11 coordination of discovery with Defendants’ counsel, and the preparation
12 of written interrogatories, requests for admissions, and requests for
13 production of documents;
- 14 c. to direct and coordinate the examination of witnesses in depositions;
- 15 d. to act as spokesperson at pretrial conferences;
- 16 e. to call and chair meetings of Plaintiffs’ counsel as appropriate or
17 necessary from time to time;
- 18 f. to initiate and conduct any settlement negotiations with Defendants’
19 counsel;
- 20 g. to provide general coordination of the activities of Plaintiffs’ counsel and
21 to delegate work responsibilities to selected counsel as may be required, in
22 such a manner as to lead to the orderly and efficient prosecution of this
23 litigation and to avoid duplication or unproductive effort;
- 24 h. to consult with and employ experts;
- 25 i. to receive and review periodic time reports of all attorneys on behalf of
26 Plaintiffs, to determine if the time is being spent appropriately and for the
27 benefit of Plaintiffs, and to determine and distribute Plaintiffs’ attorneys’
28 fees; and

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j. to perform such other duties as may be expressly authorized by further order of this Court.

8. Rhode Island, as Lead Plaintiff, shall file a consolidated First Amended Complaint by **September 30, 2019**.

9. The dispositive motion briefing and hearing schedule is as follows:

- a. Defendants’ motion to dismiss: **November 15, 2019**
- b. Lead Plaintiff’s opposition to motion to dismiss: **January 10, 2020**
- c. Defendants’ reply in support of motion to dismiss: **February 7, 2020**
- d. Hearing on motion to dismiss: **March 3, 2020 at 2:00 p.m.**

10. Norfolk County Council, as administering authority of the Norfolk Pension Fund, may submit, by no later than **January 17, 2020**, a request to file a brief supplementing the arguments made in Lead Plaintiff’s opposition. Said submission shall not exceed five pages.

11. The Court will reconsider its appointment of lead plaintiff as needed following a decision on the above-mentioned motion to dismiss.

IT IS SO ORDERED.

DATED: April 14, 2019



Honorable Yvonne Gonzalez Rogers
United States District Judge
Northern District of California