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8	[Additional Counsel on Signature Pages]	
9		
10	UNITED STATES DISTRICT COURT	
11	NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION	
12		D DIVISION
13	IN RE APPLE INC. STOCKHOLDER DERIVATIVE LITIGATION) Lead Case No. 4:19-cv-05153-YGR) (Consolidated with Cases No. 4:19-cv-05863-
14		ý YGR, 4:19-cv-05881-YGR, and 4:19-cv-08246-) YGR)
15	This Document Relates To:)) STIPULATION AND [PROPOSED]) ORDER REGARDING SCHEDULE
16	ALL ACTIONS.)
17) Judge: Yvonne Gonzalez Rogers) Date Action Filed: August 19, 2019
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Plaintiffs Terrence Zehrer, Andrew Fine, Tammy Federman SEP/IRA, and the Rosenfeld Family Foundation (collectively "Plaintiffs"), and nominal defendant Apple Inc. ("Apple"), by and through their undersigned counsel, stipulate as follows:

WHEREAS, the Court previously entered orders, pursuant to stipulations submitted by the parties, temporarily staying this action pending further developments in the consolidated securities fraud class action captioned *In re Apple Inc. Securities Litigation*, No. 4:19-cv-02033-YGR (N.D. Cal.) (*see* Dkt. Nos. 43, 47, 49, 51, and 53);

WHEREAS, the most recently-entered stay expired on February 1, 2023 (see Dkt. No. 53);

WHEREAS, pursuant to paragraph 6 of the most recently-entered stipulation to stay this action (*id.*), the parties have now met and conferred concerning a proposed schedule for further proceedings;

WHEREAS, the parties agree it will preserve judicial and party resources to first brief and determine the issue of Plaintiffs' standing to assert claims derivatively on behalf of Apple, before any briefing takes place on motions raising substantive issues concerning Plaintiffs' claims pursuant to Federal Rule of Civil Procedure 12(b)(6);

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, through their respective counsel of record, as follows:

- 1. On or before May 19, 2023, Plaintiffs shall either (a) file a Consolidated Complaint; or (b) file a notice designating one of the existing Complaints in this action as the operative Consolidated Complaint.
- 2. Nominal Defendant Apple shall file its anticipated motion to dismiss ("Apple's MTD") no later than June 19, 2023.
 - 3. Plaintiffs shall file an opposition to Apple's MTD no later than August 3, 2023.
- 4. Nominal Defendant Apple shall file a reply brief in support of Apple's MTD no later than August 24, 2023.
- 5. A hearing on Apple's MTD shall be set for October 3, 2023, at 2 p.m., or at a later date and time convenient to the Court.
 - 6. The Individual Defendants shall not be required to answer or otherwise respond to the



- 7. In the event Apple's MTD is denied, counsel will, within 10 days, meet and confer regarding a proposed schedule in connection with the Individual Defendants' response to the operative complaint, and will file a stipulation with the Court regarding the same.
- 8. By entering into this stipulation, the parties do not waive any rights or defenses not specifically addressed herein.

IT IS SO STIPULATED.

Dated: March 20, 2023

ORRICK, HERRINGTON & SUTCLIFFE LLP JAMES N. KRAMER ALEXANDER K. TALARIDES

/s/ James N. Kramer JAMES N. KRAMER

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Counsel for Nominal Defendant Apple Inc.



1 Dated: March 20, 2023 WEISSLAW LLP JOEL E. ELKINS 2 3 /s/ Joel E. Elkins JOEL E. ELKINS 4 9107 Wilshire Blvd., Suite 450 5 Beverly Hills, CA 90210 Telephone: (310) 208-2800 6 Facsimile (310) 209-2348 E-mail: jelkins@weisslawllp.com 7 WEISSLAW LLP 8 DAVID C. KATZ (admitted pro hac vice) MARK D. SMILOW (pro hac to be filed) 9 JOSHUA RUBIN (pro hac to be filed) 1500 Broadway, 16th Floor 10 New York, NY 10036 E-Mail: dkatz@weisslawllp.com 11 msmilow@weisslawllp.com irubin@weisslawllp.com 12 -and-13 **ROBBINS LLP** 14 **BRIAN J. ROBBINS** CRAIG W. SMITH 15 SHANE P. SANDERS 5040 Shoreham Place 16 San Diego, CA 92122 Telephone: (619) 525-3990 17 Facsimile (619) 525-3991 E-mail: brobbins@robbinsllp.com 18 csmith@robbinsllp.com ssanders@robbinsllp.com 19 Co-Lead Counsel for Plaintiffs 20 21 22 I, James N. Kramer, am the ECF User whose ID and password are being used to file this 23 Stipulation and [Proposed] Order Regarding Schedule. In compliance with Civil L.R. 5-1(i), I hereby 24 attest that concurrence in the filing of this document has been obtained from each of the other signatories. 25 /s/ James N. Kramer 26 JAMES N. KRAMER 27



PURS

Dated:

March 27

, 2023

PURSUANT TO STIPULATION, IT IS SO ORDERED.

HONGRABLE YVOONE GONZALEZ ROGER UNITED STATES DISTRICT JUDGE

