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10 Attorneys for Defendant
INTUIT INC.

11 [Filing on Behalf of all Defendants]
12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 **SIDDHARTH HARIHARAN, individually
and on behalf of all others similarly
17 situated,**

18 **Plaintiff,**

19 **v.**

20 **ADOBE SYSTEMS INC., APPLE INC.,
GOOGLE INC., INTEL CORP., INTUIT
21 INC., LUCASFILM LTD., PIXAR, AND
DOES 1-200,**

22 **Defendants.**
23

Case No. 11-CV-02509 SBA

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

[Civil L.R. 3-12]

1 Pursuant to Civil L.R. 3-12, Defendants ADOBE SYSTEMS, INC. ("Adobe"), APPLE
2 INC. ("Apple"), GOOGLE INC. ("Google"), INTEL CORP. ("Intel"), INTUIT INC. ("Intuit"),
3 LUCASFILM LTD. ("Lucasfilm") and PIXAR file this Administrative Motion to Consider
4 Whether Cases Should be Related.

5 Civil L.R. 3-12(b) requires that a party promptly file an Administrative Motion to
6 Consider Whether Cases Should be Related "[w]henever a party knows or learns that an action,
7 filed in or removed to this district is (or the party believes that the action may be) related to an
8 action which is or was pending in this District." Civil L.R. 3-12(a) states that an action is related
9 to another when "(1) the actions concern substantially the same parties, property, transaction, or
10 event; and (2) it appears likely that there will be an unduly burdensome duplication of labor and
11 expense or conflicting results if the cases are conducted before different Judges."

12 Pursuant to this rule, Defendants identify the following cases:

- 13 (1) *Devine v. Adobe Systems Inc., Apple Inc., Google Inc., Intel Corp., Intuit Inc.,*
14 *Lucasfilm Ltd., Pixar and Does 1 – 200*, Case No. 11-CV-03539 HRL; and
- 15 (2) *Marshall v. Adobe Systems Inc., Apple Inc., Google Inc., Intel Corp., Intuit Inc.,*
16 *Lucasfilm Ltd., Pixar and Does 1 – 200*, Case No. 11-CV-03538 HRL; and
- 17 (3) *Fichtner v. Adobe Systems Inc., Apple Inc., Google Inc., Intel Corp., Intuit Inc.,*
18 *Lucasfilm Ltd., Pixar and Does 1 – 200*, Case No. 11-CV-03540 PSG; and
- 19 (4) *Stover v. Adobe Systems Inc., Apple Inc., Google Inc., Intel Corp., Intuit Inc.,*
20 *Lucasfilm Ltd., Pixar and Does 1 – 200*, Case No. 11-CV-03541 PSG.

21 These three cases were filed in Santa Clara County Superior Court on June 28 and 30, 2011 and
22 July 14, 2011. Defendants removed them to this District on July 19, 2011. Copies of the
23 complaints are attached to the accompanying Declaration of Catherine T. Broderick ¶¶ 2-5 & Ex.
24 A-D.

25 Plaintiff filed a Notice of Pendency of Other Actions under Civil L.R. 3-13 regarding the
26 *Devine* and *Marshall* actions on June 29, 2011. As that notice stated, those cases involve the
27 same alleged class, factual allegations and claims for relief as this action. The subsequently filed
28 *Fichtner* and *Stover* actions likewise involve the same class, factual allegations and claims for
relief. Defendants also note that the defendants in each case are identical to the defendants in this

1 action.

2 Because the cases involve substantially the same parties, events and allegations, and
3 because it appears likely that there would be an unduly burdensome duplication of labor and
4 expense or conflicting results if they were heard before different judges, Defendants believe they
5 are related within the meaning of Civil L.R. 3-12.

6 Dated: July 19, 2011

Respectfully submitted,

7 Jones Day

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9 By: /s/ Catherine T. Broderick

10 Robert A. Mittelstaedt

11 Craig E. Stewart

12 Catherine T. Broderick

13 Counsel for Defendant
14 INTUIT INC.

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