

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 10/08/2013

TIME: 08:15:00 AM

DEPT: C-71

JUDICIAL OFFICER PRESIDING: Ronald S. Prager

CLERK: Lee Ryan

REPORTER/ERM: Darla Kmety CSR# 12956

BAILIFF/COURT ATTENDANT: Lynn Wilks

CASE NO: **37-2011-00102593-CU-OE-CTL** CASE INIT.DATE: 12/16/2011

CASE TITLE: **Felczer vs. Apple Inc [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT TYPE: Ex Parte

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APPEARANCES

Tyler J Belong, counsel, present for Plaintiff(s).

Jeffrey L Hogue, counsel, present for Plaintiff(s).

Lara K. Strauss, Esq., specially appearing for counsel LYNN C HERMLE, present for Defendant(s).

Julie A Dunne, counsel, present for Defendant(s).

Re: Request for Compliance date by 10/11/13

If in-camera review is required, Apple may notify Court 10/28/13.

Moving papers in support 10/23/13.

Reply 10/25/13 hand delivered to Court 10/25/13 by 2:00 pm, delivered to courtroom.

Plaintiff will provide supplemental replacement discovery re: Special Interrogatory Set 2 by 10/11/13.

Plaintiff confirms once that is done, plaintiff has completely complied with Court 9/6/13 order.

Court signs Amended Order granting dismissal of plaintiff's Fifth Cause of Action With Prejudice as to named plaintiff's individual claim and without prejudice as to class claims nunc pro tunc 9/8/13.

After conferring with both sides Court approves voluntary interview consent form as modified. See Court Exhibit 1.

Court Orders up to 4 hours follow-up deposition for plaintiff to depose Apple PMQs.
See Order.

Re: waiting time records

Re terminations – there are 3 subclasses and 18,000 employees (12,000 retail and 6,000 corporate). For class certification purposes, plaintiff may select up to 100 names of employees by employee number which will be produced in 2 weeks.

Apple will sign stipulated 4th Amended Complaint once all reference to Labor Code 5212 are removed.

If Apple uses consent form approved today, Court will presume (rebuttable presumption) that declarations were collected voluntarily and without collusion.

Ronald S. Prager

Judge Ronald S. Prager