

ORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): George A. Riley (SB #118304) David R. Eberhart (SB #195474) O'MELVENY & MYERS LLP Embarcadero Center West, 275 Battery Street, 26th Floor San Francisco, California 94111-3344 TELEPHONE NO.: (415) 984-8700 FAX NO. (Optional): (415) 984-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, APPLE COMPUTER, INC.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, California 95113 BRANCH NAME: San Jose	
PLAINTIFF/PETITIONER: Apple Computer, Inc. DEFENDANT/RESPONDENT: Doe 1, an unknown individual, and Does 2-25, Inclusive.	
<p style="text-align: center;">CASE MANAGEMENT STATEMENT</p> (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)	CASE NUMBER: 104-cv-032178

A CASE MANAGEMENT CONFERENCE is scheduled as follows:

Date: July 25, 2006 Time: 10:00 a.m. Dept.: 16 Div.: Room:

Address of court (if different from the address above):

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
 - a. This statement is submitted by party (name): Apple Computer, Inc.
 - b. This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date): December 13, 2004
 - b. The cross-complaint, if any, was filed on (date):

3. **Service** (to be answered by plaintiffs and cross-complainants only)
 - a. All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not): Apple has not yet identified the Doe defendants named in the complaint.
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):

4. **Description of case**
 - a. Type of case in complaint cross-complaint (describe, including causes of action):
 Apple's complaint seeks redress for trade secret misappropriation.

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4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

An unknown individual or individuals stole Apple trade secrets about an unreleased product. Apple's complaint seeks redress for all damages that resulted from the theft and subsequent dissemination of the trade secrets.

Apple sought and was granted permission by the court to subpoena a company that possesses email that Apple believes will identify at least one defendant. Three individuals filed a motion for a protective order to block Apple's subpoena. The court denied the motion. Movants then filed a writ of petition to overturn that order. On May 26, 2006, the Court of Appeal granted the writ and ordered the trial court to grant the motion for a protective order. Apple did not appeal that decision.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request a jury trial a nonjury trial (if more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- a. The trial has been set for (date):
- b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain): The case will not be ready for trial within 12 months. The petition has delayed Apple's ability to name the proper Doe defendants.
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a. days (specify number): 5 days
- b. hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

Additional representation is described in Attachment 8.

9. Preference

This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

- a. Counsel has has not provided the ADR information package identified in rule 201.9 to the client and has reviewed ADR options with the client.
- b. All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. The case has gone to an ADR process (indicate status):

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10. d. The party or parties are willing to participate in (check all that apply):

- (1) Mediation
- (2) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 1612)
- (3) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 1612)
- (4) Binding judicial arbitration
- (5) Binding private arbitration
- (6) Neutral case evaluation
- (7) Other (specify): No defendant has been named or served; Apple will consider appropriate ADR options following service of a defendant.

- e. This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. This case is exempt from judicial arbitration under rule 1601 (b) of the California Rules of Court (specify exemption):

11. Settlement conference

- The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- Bankruptcy Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
 - (1) Name of case:
 - (2) Name of court:
 - (3) Case number:
 - (4) Status:
- Additional cases are described in Attachment 14a.
- b. A motion to consolidate coordinate will be filed by (name party):

15. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

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17. Discovery

- a. The party or parties have completed all discovery.
b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

Party	Description	Date
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- c. The following discovery issues are anticipated (*specify*): No discovery has been completed. See response to No. 4(b).

18. Economic Litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 212 of the California Rules of Court (*if not, explain*):
Apple has not yet been able to learn the identities of the Doe defendant(s) currently named in the complaint.

- b. After meeting and conferring as required by rule 212 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): none attached as Attachment 21.

22. Total number of pages attached (*if any*): 0

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: July 10, 2006

David Eberhart

(TYPE OR PRINT NAME)




(SIGNATURE OF PARTY OR ATTORNEY)

Ian Ramage

(TYPE OR PRINT NAME)




(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached