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18 *Counsel for Plaintiff*

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

21 JOHN P. WEBB, Individually and on Behalf
22 of All Others Similarly Situated,

23 Plaintiffs,

24 vs.

25 APPLE, INC., a California Corporation,

26 Defendant.

27 CASE NO.: 5:18-cv-2167

28 **CLASS ACTION COMPLAINT**

DEMAND FOR JURY TRIAL

1 Plaintiff, John P. Webb, individually and on behalf of all those similarly situated, brings
2 this action for damages and equitable relief against Apple, Inc. (“Apple”) and alleges, based
3 upon the investigation of counsel and on information and belief, as follows:

4 **I. OVERVIEW**

5 1. Apple markets the iPhone line of phones as premium phones that are designed to
6 offer fast performance and ease of use for consumers. Apple has been successful in this
7 endeavor, with over a billion units sold worldwide and consumers paying hundreds of dollars for
8 each iPhone.

9 2. Rather than address a known issue with several iPhone models head-on, Apple
10 released an iOS update that purported to “improve power management.” Unknown to consumers,
11 this iOS update slowed the performance of their iPhones, negatively impacting the performance
12 of the iPhones in question and causing some consumers to believe that their iPhones were now
13 obsolete and needed to be replaced. Consumers did not know of or consent to this slowing of
14 their iPhones.

15 3. By bringing this nationwide proposed class action, Plaintiff seeks the following
16 relief on his own behalf and that of the class:

- 17
- 18 a. Compensation for the harm done to Plaintiff and the class’ iPhones;
 - 19 b. Compensation for expenses incurred as a result of Apple’s actions in slowing the
20 iPhone models in question, including the cost of unnecessary replacement iPhones
21 purchased by class members;
 - 22 c. Restitution to Plaintiff and class members for all revenues, earnings, profits,
23 compensation and benefits which may have been obtained by Apple as a result of
24 their fraudulent and/or unfair business acts and practices; and
 - 25 d. Injunctive relief preventing Apple from using similar slowing techniques in the
26 future without consumer consent.
- 27
28

1 **II. JURISDICTION AND VENUE**

2 4. This Court has jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. R
3 1332(d)(2). The matter in controversy exceeds \$5 million, exclusive of interest and costs. At
4 least one proposed class member is a citizen of a different state than Apple. There are more than
5 100 expected putative class members.

6 5. This Court has personal jurisdiction over Apple because Apple is incorporated
7 under California law, headquartered in Cupertino, California, and because Apple engages in
8 substantial, continuous, systematic, and non-isolated business activity in California.

9 6. Venue is proper in this District because a substantial part of the events or
10 omissions which give rise to Plaintiff's claims are believed to have occurred in Santa Clara
11 County. Apple is headquartered in Cupertino, California and Apple has marketed and sold the
12 iPhones in question in this judicial district.

13 **III. INTRA-DISTRICT ASSIGNMENT**

14 7. Assignment to the San Jose Division of this District is proper under Civil Local
15 Rule 3-2(c) and (e) because a substantial part of the events or omissions which give rise to
16 Plaintiff's claims occurred in Santa Clara County, where Apple is headquartered.

17 **IV. PARTIES**

18 8. Plaintiff, John P. Webb, is a resident of San Francisco, California, and purchased
19 an iPhone 7. John P. Webb updated his iPhone's software and experienced a significant decline
20 in its processing speed. As a result of the significant decline experienced, John P. Webb
21 purchased a new iPhone X to replace his previous iPhone. John P. Webb has been injured by
22 Apple's conduct as alleged in this Complaint.

23 9. Defendant, Apple, Inc. is a California corporation, headquartered in Cupertino,
24 California. Apple designs, manufactures, and sells a range of personal technology devices,
25 including the iPhone line of phones. Apple also develops the software platforms for its devices,
26 including the iOS software used on iPhones.

1 **V. FACTUAL ALLEGATIONS**

2 10. Apple announced the first iPhone in 2007 and since that time, Apple has sold over
3 one billion units worldwide.¹

4 11. All iPhones use Apple’s proprietary iOS software. iOS is the operating system for
5 iPhone and iPad devices and comes preinstalled on those devices. iOS is a closed system,
6 meaning that iPhone users must use Apple’s App Store to install software on their phone.

7 12. Apple regularly updates iOS, usually to add new features or address security
8 flaws. iPhone users typically receive a pop-up message on their device to notify them when an
9 iOS update is available to download. Users have become accustomed to downloading iOS
10 updates to maintain and improve the functionality of their iPhone. Indeed, Apple reminds
11 consumers that “[k]eeping your software up to date is one of the most important things you can
12 do to maintain your Apple product’s security.”²

13 13. In 2016, consumers noticed that Apple’s iPhone 6, 6s, and 6 Plus devices were
14 unexpectedly shutting down, forcing users to plug their phones into an outlet to restart them.³ In
15 November 2016, Apple launched its iPhone 6s Program for Unexpected Shutdown Issues,
16 allowing owners of iPhone 6s devices manufactured between September and October 2015,
17 within a limited serial number range, to have their battery replaced free of charge.⁴

18 14. Later, Apple issued iOS 10.2.1, which it described as “improv[ing] power
19 management during peak workloads to avoid unexpected shutdowns on iPhone.”⁵ The iOS
20 10.2.1 update notice described the update as including bug fixes and improving security.⁶ Apple
21 did not notify consumers that the update would slow their devices.

22 15. Apple issued a statement to Tech Crunch on February 23, 2017 describing the
23

24 ¹ <https://www.apple.com/newsroom/2017/01/iphone-at-ten-the-revolution-continues/>

25 ² <https://support.apple.com/en-us/HT201222>

26 ³ <https://techcrunch.com/2017/02/23/apple-says-ios-10-2-1-has-reduced-unexpected-iphone-6s-shutdown-issues-by-80/>

27 ⁴ <https://www.apple.com/support/iphone6s-unexpectedshutdown/>

28 ⁵ https://support.apple.com/kb/DL1893?viewlocale=en_US&locale=en_US

⁶ <https://www.forbes.com/sites/amitchowdhry/2017/01/23/apple-ios-10-2-1-is-now-available-what-is-included-in-the-update/#4118589a488f>

1 success of the “improvements” made with iOS 10.2.1 “to reduce occurrences of unexpected
2 shutdowns that a small number of users were experiencing with their iPhone.”⁷ Apple noted that
3 “iOS 10.2.1 already has over 50% of active iOS devices upgraded” and that “we’re seeing a
4 more than 80% reduction in iPhone 6s and over 70% reduction on iPhone 6 of devices
5 unexpectedly shutting down.”⁸ Apple did not mention that it was limiting the performance of
6 those iPhones via the updated iOS.

7 16. Generally, when older iPhone models exhibit slow performance, consumers
8 believe that their iPhone has reached the end of its useful life and they buy a new phone.⁹ iPhone
9 users are notoriously loyal so when their current iPhone becomes obsolete, they frequently
10 purchase a new iPhone, rather than any other brand of cellphone.¹⁰

11 17. After iOS 10.2.1 was released, Apple announced several new iPhone models—the
12 iPhone 8 and iPhone 8 Plus, with prices starting at \$699, went on sale in September 2017¹¹ while
13 the iPhone X, with prices starting at \$999, went on sale in November 2017.¹²

14 18. On December 18, 2017, John Poole of Primate Labs published his investigation
15 into the performance of iPhones running different versions of iOS. His conclusion was that “[t]he
16 difference between [iOS] 10.2.0 and 10.2.1 is too abrupt to be just a function of battery
17 condition. I believe (as do others) that Apple introduced a change to limit performance when
18 battery condition decreases past a certain point.”¹³ Mr. Poole noted that the likely consequence
19 for consumers was that they would think “‘my phone is slow so I should replace it’ not ‘my
20

21
22 ⁷ <https://techcrunch.com/2017/02/23/apple-says-ios-10-2-1-has-reduced-unexpected-iphone-6s-shutdown-issues-by-80/>

23 ⁸ *Id.*

24 ⁹ <http://www.businessinsider.com/how-to-check-if-apple-slowng-down-your-iphone-2018-1>

25 ¹⁰ <http://www.businessinsider.com/apple-iphone-more-loyal-android-chart-2017-5> (2017 survey
26 by Morgan Stanley found that 92% of iPhone owners who planned to get a new phone in the next
27 12 months were “somewhat or extremely likely” to get a new iPhone)

28 ¹¹ <https://www.apple.com/newsroom/2017/09/iphone-8-and-iphone-8-plus-a-new-generation-of-iphone/>

¹² <https://www.apple.com/newsroom/2017/10/iphone-x-available-for-pre-order-on-friday-october-27/>

¹³ <https://www.geekbench.com/blog/2017/12/iphone-performance-and-battery-age/>

1 phone is slow so I should replace its battery.”¹⁴

2 19. Ten days later, Apple issued “A Message to Our Customers about iPhone
3 Batteries and Performance.”¹⁵ Apple apologized to consumers for how it handled the
4 performance of iPhones with older batteries and “how we have communicated that process.”¹⁶
5 Apple acknowledged that with iOS 10.2.1, “iOS dynamically manages the maximum
6 performance of some system components when needed to prevent a shutdown. While these
7 changes may go unnoticed, in some cases users may experience longer launch times for apps and
8 other reductions in performance.”¹⁷ Apple also noted that it had “recently extended the same
9 support for iPhone 7 and iPhone 7 Plus in iOS 11.2.”¹⁸ Apple also reduced the price of an out-of-
10 warranty iPhone battery replacement from \$79 to \$29 for anyone with an iPhone 6 or later whose
11 iPhone battery needed to be replaced through December 2018.¹⁹

12 20. Since news of the performance throttling came to light, Apple received a letter
13 from Senator John Thune, chair of the Commerce, Science and Transportation Committee
14 seeking further information.²⁰ Apple has also revealed that it has received questions from some
15 government agencies regarding the alleged throttling,²¹ with reports suggesting that both the
16 Department of Justice and the Securities and Exchange Commission have launched
17 investigations.²²

18 VI. CLASS ALLEGATIONS

19 21. Plaintiff brings this class action pursuant to Federal Rules of Civil Procedure
20 23(a), (b)(2), and (b)(3) on his own behalf and as representative of the following class of persons

21 _____
22 ¹⁴ <https://www.geekbench.com/blog/2017/12/iphone-performance-and-battery-age/>

23 ¹⁵ <https://www.apple.com/iphone-battery-and-performance/>

24 ¹⁶ *Id.*

25 ¹⁷ *Id.*

26 ¹⁸ *Id.*

27 ¹⁹ *Id.*

28 ²⁰ <https://www.reuters.com/article/us-apple-batteries/senator-wants-apple-to-answer-questions-on-slowing-iphones-idUSKBN1EZ1HE>

²¹ <https://mashable.com/2018/01/31/apple-responds-us-government-iphone-throttling-probe/#ODHTV2.keaq>

²² <https://www.bloomberg.com/news/articles/2018-01-30/u-s-said-to-probe-apple-over-updates-that-slow-older-iphones-jd1yahj7>

1 and entities (the “Class”):

2 All persons and entities in the United States who own or have owned an iPhone 6,
3 6 Plus, 6s, 6s Plus, SE, 7, or 7 Plus and installed iOS 10.2.1 or 11.2 on their iPhone.
4 Excluded from the class are Apple, its subsidiaries and affiliates, employees of
5 Apple, including its officers and directors; and any judge or jurors assigned to this
6 case.

7 22. The proposed class more than meets the prerequisites of Rule 23(a).

8 23. Numerosity: The proposed class is so large that joinder of all members is
9 impracticable. Class members are also dispersed geographically, both throughout California and
10 the U.S. While Plaintiff does not know the exact number of members of the Class, Apple sold
11 tens of millions of the affected iPhone models in the United States. Plaintiff also understands that
12 Apple has records of iPhone users from which class members can be identified.

13 24. Common questions of law and fact: Common questions of law and fact exist as to
14 all members of the proposed class. Such common questions of law and fact include but are not
15 limited to:

- 16 a. Whether Apple engaged in the conduct alleged in this Complaint;
- 17 b. Whether Apple misrepresented or failed to disclose that installing iOS 10.2.1 and
18 11.2 would negatively impact the performance of the affected iPhone models;
- 19 c. Whether iOS 10.2.1 and 11.2 negatively impacted the performance of the affected
20 iPhone models;
- 21 d. Whether Apple informed its customers that the decline in the affected iPhone
22 models’ performance attributable to iOS 10.2.1 and 11.2 could be remedied by
23 replacing the battery;
- 24 e. Whether versions of the operating system issued after iOS 10.2.1 and 11.2 also
25 negatively impacted the performance of the affected iPhone models;
- 26 f. The appropriate injunctive and related equitable relief for the Class; and
- 27 g. The appropriate class-wide measure of damages.

28 25. Typicality: Plaintiff’s claims are typical of the claims of the members of the
Class. Plaintiff and all members of the Class are iPhone owners who were damaged by Apple’s

1 wrongful practices. Plaintiff's claims arise out of the same common course of conduct giving rise
2 to the claims of the other members of the Class.

3 26. Fair and Adequate Representation: Plaintiff's interests are coincident with, and
4 not antagonistic to, those of the other Class members. Plaintiff is represented by counsel, who are
5 competent and experienced in the prosecution of complex class action litigation.

6 27. The proposed class also meets the requirements of Rule 23(b)(2) and Rule
7 23(b)(3).

8 28. Rule 23(b)(2): Apple's alleged conduct caused harm to all class members by
9 negatively impacting the performance of their iPhones through the iOS updates. Apple's actions
10 apply generally to the class and any final injunctive relief would be appropriate with respect to
11 the class as a whole.

12 29. Rule 23(b)(3): The questions of law and fact common to the members of the Class
13 are predominant and outweigh those questions affecting only individual members, including
14 legal and factual issues relating to liability and damages.

15 30. Class action treatment is a superior method for the fair and efficient adjudication
16 of this litigation. With potentially millions of putative class members, class treatment will allow
17 this enormous number of similarly situated potential plaintiffs to prosecute their common claims
18 in a single forum in the most efficient manner. This will avoid the inevitable duplication of
19 evidence, effort, and expense that numerous individual actions would involve. The benefits of
20 proceeding through the class action mechanism, including providing injured persons or entities
21 with a method for obtaining redress for claims that might not be practicable to pursue
22 individually and significantly reducing the burden on the court system of trying these cases
23 individually, far outweigh any difficulties that may arise in the management of this class action.

24 **VII. CLAIMS FOR RELIEF**

25 **FIRST CAUSE OF ACTION: FRAUD**

26 31. Plaintiff incorporates and realleges, as though fully set forth herein, each and
27 every allegation set forth in the preceding paragraphs of this Complaint.
28

1 32. Apple released iOS updates that were designed to slow the performance of older
2 iPhone models. Apple failed to inform consumers that their iPhones would be slowed as a result
3 of downloading these iOS updates and instead marketed the updates as improvements. Apple
4 knew that the effect of downloading these iOS updates would be to slow the performance of the
5 iPhones in question but withheld that information from consumers.

6 33. Consumers justifiably relied on Apple's representations that the iOS update was
7 an improvement when they downloaded the iOS updates. iOS updates are the established method
8 for resolving known issues with the performance of iPhones and consumers are accustomed to
9 downloading these updates to improve the performance of their iPhones. Consumers had no way
10 of knowing that Apple's description of the iOS update was incomplete.

11 34. As a result of Apple's misrepresentation, consumers have been harmed. By
12 withholding important information about the iOS update, Apple prevented consumers from
13 making the decision between downloading an iOS update that would negatively impact their
14 iPhone and replacing their iPhone battery. As a result of downloading the iOS update,
15 consumers' iPhones slowed and the performance of their iPhones was negatively impacted.
16 Furthermore, some consumers purchased new iPhones to replace the slowed iPhones, believing
17 their iPhones to be obsolete.

18 **SECOND CAUSE OF ACTION: TRESPASS TO CHATTELS**

19 35. Plaintiff incorporates and realleges, as through fully set forth herein, each and
20 every allegation set forth in the preceding paragraphs of this Complaint.

21 36. Plaintiff and the putative class members owned the following iPhone models:
22 iPhone 6, 6 Plus, 6s, 6s Plus, SE, 7, or 7 Plus. At Apple's suggestion, they installed either iOS
23 10.2.1 or 11.2 on their iPhones.

24 37. Apple intentionally released iOS updates that were designed to slow the
25 performance of older iPhone models, interfering with Plaintiff and the putative class members'
26 ability to use their iPhones.

27 38. Apple did not announce that the iOS updates would slow the performance of the
28

1 iPhone models but rather described the updates as “improving power management to avoid
2 unexpected shutdowns.” Since Plaintiff and the putative class members did not know that this
3 would be achieved by slowing the performance of their iPhones, they did not consent to it.

4 39. Apple’s actions were the direct cause of injury to Plaintiff and the putative class
5 members because the updates slowed, and thereby harmed, the functioning of their iPhones.
6 Apple’s actions affected the quality and value of the iPhones to Plaintiff and the putative class
7 members by negatively impacting their performance.

8 40. As a result of Apple’s actions, Plaintiff and the putative class members are
9 entitled to recover damages in amounts according to proof.

10 **THIRD CAUSE OF ACTION: FRAUDULENT CONDUCT IN VIOLATION OF UNFAIR**
11 **COMPETITION LAW (CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.)**

12 41. Plaintiff incorporates and realleges, as through fully set forth herein, each and
13 every allegation set forth in the preceding paragraphs of this Complaint.

14 42. The business acts and practices of Apple, as alleged herein, violate the
15 “fraudulent” prong of section 17200 *et seq.* of the California Business and Professions Code.

16 43. Apple withheld key information about the iOS updates they released. Consumers
17 reasonably relied on Apple’s representation that the updates would resolve known issues with
18 their iPhones when they downloaded the updates. Apple knew, but did not inform consumers,
19 that the iOS update would slow the iPhones in question, negatively impacting their performance.

20 44. As a result of Apple’s conduct, Plaintiff and the putative class members were
21 harmed in that their iPhones slowed and performance was negatively impacted by the iOS
22 update. Furthermore, consumers purchased new iPhones to replace the slowed iPhones, without
23 knowing that a simple battery replacement could repair their iPhone.

24 45. Apple’s acts, omissions, misrepresentations, practices, and non-disclosures, as
25 alleged herein above, constitute fraudulent business practices within the meaning of Business
26 and Professions Code, Section 17200 *et seq.* Plaintiff and the putative class members are
27 accordingly entitled to equitable relief directing full restitution of all revenues, earnings, profits,
28

1 compensation and benefits which may have been obtained by Apple as a result of these business
2 acts and practices. Plaintiffs and the putative class members also seek an injunction prohibiting
3 Apple from committing such fraudulent business practices in the future.

4 **FOURTH CAUSE OF ACTION: UNFAIR CONDUCT IN VIOLATION OF UNFAIR**
5 **COMPETITION LAW**

6 46. Plaintiff incorporates and realleges, as though fully set forth herein, each and
7 every allegation set forth in the preceding paragraphs of this Complaint.

8 47. The business acts and practices of Apple alleged herein violate the “unfair” prong
9 of section 17200 *et seq.* of the California Business and Professions Code. Apple’s conduct is
10 immoral, unethical, oppressive, unscrupulous, and substantially injurious to consumers and is not
11 outweighed by any countervailing benefits to consumers.

12 48. Apple withheld key information about the iOS updates they released. Consumers
13 reasonably relied on Apple’s representation that the updates would resolve known issues with
14 their iPhones in downloading the updates. Apple knew, but did not inform consumers, that the
15 iOS update would slow the iPhones in question, negatively impacting their performance. Apple
16 also did not inform consumers that simply replacing their iPhone’s battery could resolve the
17 issues with performance.

18 49. As a direct and proximate result of Apple’s conduct, Plaintiff and the putative
19 class members were harmed in that their iPhones slowed and performance was negatively
20 impacted by the iOS update. Furthermore, consumers purchased new iPhones to replace the
21 slowed iPhones, without knowing that a simple battery replacement could repair their iPhone.

22 50. Apple’s acts, omissions, misrepresentations, practices, and non-disclosures, as
23 alleged herein, constitute unfair business practices within the meaning of Business and
24 Professions Code, Section 17200 *et seq.* Plaintiff and the putative class members are accordingly
25 entitled to equitable relief directing full restitution of all revenues, earnings, profits,
26 compensation and benefits which may have been obtained by Apple as a result of these business
27 acts and practices. Plaintiffs and the putative class members also seek an injunction preventing
28

1 Apple from conducting such unfair business practices in the future.

2 **FIFTH CAUSE OF ACTION: UNJUST ENRICHMENT**

3 51. Plaintiff incorporates and realleges, as though fully set forth herein, each and
4 every allegation set forth in the preceding paragraphs of this Complaint.

5 52. Plaintiff and the putative class members paid substantial amounts of money to
6 purchase the iPhones at issue in this litigation. Consumers also paid substantial amounts of
7 money to replace their iPhones, as a result of the negative performance impact from the iOS
8 updates released by Apple and often at the urging of Apple representatives.

9 53. Apple knowingly released an iOS update that slowed the performance of older
10 iPhones. Apple did not inform consumers about the nature of the iOS update and failed to
11 disclose that a simple battery replacement could resolve the issues with the affected iPhones. As
12 a result of the slowed performance of their iPhones, consumers purchased new iPhones to
13 replace iPhones that they understood to be obsolete.

14 54. Apple has retained the monetary benefits it received from class members as a
15 result of the actions described in this complaint.

16 55. It is inequitable for Apple to retain these benefits in light of Apple's actions.
17 Plaintiff and the proposed class were not aware of the true reasons behind the slowed
18 performance of their iPhones and have been harmed by Apple's actions.

19 56. Plaintiff and the putative class members are entitled to disgorgement of the sums
20 Apple received as a result of its wrongful conduct, in amounts according to proof.

21 **V. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs respectfully request that the Court:

- 23 A. Determine that this action may be maintained as a class action under Rule 23(a),
24 (b)(2), and (b)(3) of the Federal Rules of Civil Procedure;
- 25 B. Direct that notice of this action, as provided by Rule 23(c)(2) of the Federal Rules
26 of Civil Procedure, be given to the Class;
- 27 C. Appoint Plaintiff as Class Representative and his counsel of record as Class
28

1 Counsel;

2 D. Enter judgment against Apple and in favor of Plaintiff and the Class;

3 E. Award Plaintiff and the Class damages to the maximum extent allowed, including
4 actual and statutory damages;

5 F. Award Plaintiff and the Class equitable, injunctive and declaratory relief as
6 appropriate under applicable laws;

7 G. Award pre- and post-judgment interest at the highest legal rate;

8 H. Award Plaintiff and the Class members' reasonable attorneys' fees and costs of
9 suit; and

10 I. Award such other and further relief as the Court may deem just and proper.

11
12 **VI. DEMAND FOR JURY TRIAL**

13 Plaintiff hereby demands a jury trial for all claims so triable.

14
15 Dated: April 11, 2018

/s/ R. Alexander Saveri

16 R. Alexander Saveri (SBN 173102)
17 Cadio Zirpoli (SBN 179108)
18 Sarah Van Culin (SBN 293181)
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CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
JOHN P. WEBB
(b) County of Residence of First Listed Plaintiff San Francisco, California
(c) Attorneys (Firm Name, Address, and Telephone Number)
R. Alexander Saveri, Saveri & Saveri, Inc.
706 Sansome St., San Francisco, CA 94111; (415) 217-6810

DEFENDANTS
APPLE, INC.
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question
4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing
Brief description of cause:
Fraud; Trespass to Chattels; Violation of Unfair Competition Law; Unjust Enrichment

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.
DEMAND \$
JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):
JUDGE Please see Attachment A
DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
SAN FRANCISCO/OAKLAND
SAN JOSE
EUREKA-MCKINLEYVILLE

DATE 04/11/2018
SIGNATURE OF ATTORNEY OF RECORD /s/ R. Alexander Saveri

ATTACHMENT A – RELATED CASES

Judge	Docket Number
Hon. Edward J. Davila	5:17-cv-07274
Hon. Edward J. Davila	5:17-cv-07285
Hon. Edward J. Davila	5:17-cv-07292
Hon. Edward J. Davila	5:17-cv-07355
Hon. Edward J. Davila	5:18-cv-00110
Hon. Edward J. Davila	5:18-cv-00123
Hon. Edward J. Davila	5:18-cv-0125
Hon. Edward J. Davila	5:18-cv-00128
Hon. Edward J. Davila	5:18-cv-00148
Hon. Edward J. Davila	5:18-cv-00179
Hon. Edward J. Davila	5:18-cv-00182
Hon. Edward J. Davila	5:18-cv-00206
Hon. Edward J. Davila	5:18-cv-00216
Hon. Edward J. Davila	MDL No. 2827