

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE: APPLE INC. SMARTPHONE  
ANTITRUST LITIGATION

*This Document Relates to: All Actions*

Civil Action No. 2:24-md-03113 (JXN)(LDW)

MDL 3113

**CASE MANAGEMENT ORDER NUMBER 1**

**THESE MATTERS**, having been transferred to this Court by the Judicial Panel on Multidistrict Litigation (the “Panel”) pursuant to its Transfer Order of June 7, 2024 in *In re: Apple Inc. Smartphone Antitrust Litigation* (the “MDL”), merit special attention as complex litigation, and the parties having jointly proposed this Case Management Order (“Order”), the Court, therefore, enters the following Order on consent:

**1. SCOPE OF THE ORDER**

This Order shall govern the practice and procedure of those actions transferred to this Court by the Panel pursuant to the Transfer Order, any “tag-along actions” transferred to this Court by the Panel pursuant to the Panel’s Rules of Procedure, and all related actions that have been or will be originally filed in, transferred to, or removed to this Court and assigned hereto (collectively, the “MDL Actions”). This Order and all subsequent Case Management Orders shall be binding on all parties and their counsel in all MDL Actions, and shall govern each case in this MDL unless the Order explicitly states that it does not apply to specific cases or that it applies only to specific cases.

**2. CONSOLIDATION**

The MDL Actions are consolidated for pretrial purposes only. Any “tag-along actions” transferred to this Court, or other MDL Actions, will automatically be consolidated in the MDL without the necessity of future motions or orders. This consolidation does not constitute a

determination that the actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which he, she, or it has not been named, served, or added in accordance with the Federal Rules of Civil Procedure.

### 3. MASTER DOCKET FILE

The Clerk of the Court will maintain a master docket case file under the style “*In re: Apple Inc. Smartphone Antitrust Litigation*” and the docket number 2:24-md-03113.<sup>1</sup> When a pleading is intended to apply to all actions, this shall be indicated by the words: “This Document Relates to: ALL ACTIONS.” When a pleading is intended to apply to fewer than all cases, the case name and the Court’s docket number for each individual case to which the document number relates shall appear immediately after the words: “This Document Relates to:” The following is a sample of the pleading style:

IN RE: APPLE INC. SMARTPHONE ANTITRUST LITIGATION  <i>This Document Relates to:</i>	Civil Action No. 2:24-md-03113 (JXN)(LDW)  MDL 3113
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Each attorney of record is obligated to become a District Court of New Jersey ECF User and be assigned a user ID and password for access to the system. If he or she has not already done so, counsel shall register as an ECF User and be issued an ECF User ID and password. Forms and instructions can be found on the Court’s website <http://www.njd.uscourts.gov/>. All documents shall be e-filed in the master file, 2:24-md-03113. Documents that pertain to one or only some of the pending actions shall be e-filed in the individual case(s) to which the document pertains.

<sup>1</sup> The Clerk of the Court shall continue to maintain a separate civil action number and case file for each case filed in, removed to, or transferred to the Court.

#### **4. APPEARANCES**

Counsel who appeared in a transferor court prior to transfer need not enter an additional appearance before this Court. Moreover, attorneys in “tag-along actions” admitted to practice and in good standing in any United States District Court are admitted *pro hac vice* in this litigation, and the requirements of Local Civil Rule 101.1(c) are waived. Such counsel are subject to the New Jersey Rules of Professional Conduct, the Guidelines for Litigation Conduct, Local Civil Rule 103.1(c), and the disciplinary jurisdiction of this Court. Association of local counsel is not required.

#### **5. INTERIM CLASS COUNSEL APPOINTMENTS**

Pursuant to Federal Rule of Civil Procedures 23(g)(3), this Court will appoint Interim Class Counsel to act on behalf of the putative classes before determining whether to certify the action as a class action.

Plaintiffs shall meet and confer regarding proposed leadership for all cases and present either individual or slate applications to the Court. Counsel for direct purchaser plaintiffs and counsel for indirect purchaser plaintiffs may propose separate leadership. Plaintiffs’ counsel seeking appointment as Interim Class Counsel for the putative Indirect Purchaser Plaintiff class and for the putative Direct Purchaser Plaintiff class shall file their motions for appointment as Interim Class Counsel and all supporting memoranda, declarations, and antitrust resumes by no later than fourteen (14) calendar days after this Order. Any responses to such motions shall be filed no later than fourteen (14) calendar days after the motions for appointment are filed.

The submission of the proposed leadership structure shall include the following:

- Proposed lead counsel (and their qualifications) and any proposed committee structure.
- Describe each proposed applicant’s MDL, class action, and complex litigation

experience generally and in antitrust cases specifically. For each applicant, list each Court-appointed leadership position in any MDL or class action case in which they have previously been or are currently involved.

- Describe what procedures will be used to monitor billing, control costs, and avoid duplication of efforts of counsel and the process for assignment and monitoring of work.
- Describe how you propose to maintain communication and input from lawyers not part of the leadership structure.

If the Court determines it is necessary, the Court will hold a Hearing on the appointment of Interim Class Counsel.

#### **6. JOINT AGENDA AND STATUS REPORT**

Interim Class Counsel and Defendants shall submit a joint agenda and status report to the Court fourteen (14) calendar days after the Court enters an order appointing Interim Lead Counsel. Counsel shall meet and confer—in person, by teleconference or by video conference—and seek consensus to the extent possible with respect to joint agenda items for the Initial Case Management Conference.

#### **7. RESPONSE EXTENSION AND PLEADING SCHEDULE**

Defendant need not respond to any prior complaints and all case deadlines, including those arising under the Federal Rules of Civil Procedure, are terminated. The Court will consider dispositive motions and other motions concerning Consolidated Class Action Complaints consistent with its individual practices and with any schedule entered following the Initial Case Management Conference.

**8. SERVICE LIST**

Within forty-five (45) calendar days of entry of an order appointing Interim Class Counsel, Interim Class Counsel shall provide the Court with a list of attorneys and their office addresses, phone and fax numbers, and e-mail addresses.

A service list will be maintained by the Clerk of the Court during the course of this litigation by adding parties/attorneys to the master docket. Any attorney who wishes to have his/her name added or deleted from the master docket may do so upon request to the Clerk of this Court and notice to all other persons on such master docket.


**9. IDENTIFICATION OF RELATED CASES**

The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be coordinated as part of this MDL, upon any party's information and belief that the matter should be coordinated.

**10. APPLICATION OF LOCAL RULES**

Unless otherwise set forth in this Order, the parties shall comply with the Local Civil Rules of the United States District Court for the District of New Jersey, as well as the individual rules and preferences of the District Judge and Magistrate Judge assigned to this matter.

**IT IS SO ORDERED.**

  
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**JULIEN XAVIER NEALS**  
**UNITED STATES DISTRICT JUDGE**

**DATED:** July 25, 2024

cc: Leda D. Wettre, U.S.M.J.