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**FILED**  
Superior Court of California  
County of Los Angeles  
10/30/2023

David W. Slayton, Executive Officer / Clerk of Court  
By:                     A. Rosas                     Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

WALTER PETERS, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

APPLE INC., a California corporation;  
DOES 1 to 100, inclusive,

Defendants.

Case No. 19STCV21787

CLASS ACTION

*[Assigned for all purposes to Hon. Elihu  
M. Berle, Dept. 6]*

~~[Proposed]~~ **ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Initial Complaint filed: June 21, 2019  
Proposed Fourth Amended  
Complaint filed: June 30, 2023  
Trial date: Not set

~~[Proposed]~~ **ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

1 On October 12, 2023, this Court heard Plaintiffs Jeff Torres and Diana Ismailyan’s  
2 (“Named Plaintiffs”) Motion for Preliminary Approval of the Class Action Settlement. This Court  
3 reviewed the motion and the supporting papers, including the Amended Settlement Agreement and  
4 Release (“Agreement”) and heard arguments of counsel. Based on this review and the findings  
5 below, the Court finds good cause to grant the motion.

6 **FINDINGS:**

7 1. Unless otherwise specified, capitalized terms in this Order have the same definition  
8 as used in the Agreement.

9 2. The Court finds on a preliminary basis that the settlement was entered into in good  
10 faith, that it is fair, reasonable and adequate, and that it satisfies the standards and applicable  
11 requirements for preliminary approval of this class action settlement under California law,  
12 including the provisions of Code of Civil Procedure § 382 and California Rules of Court, rule  
13 3.769.

14 3. The settlement falls within the range of reasonableness of a settlement which could  
15 ultimately be given final approval by this Court, and appears to be presumptively valid, subject  
16 only to any objections that may be raised at the Final Approval Hearing and final approval by this  
17 Court. The Court notes that, per the Agreement, Defendant Apple Inc. (“Apple”) has agreed to  
18 provide \$25 million as the Gross Settlement Amount. The Gross Settlement Amount constitutes  
19 non-reversionary funds used to resolve the claims asserted against Apple in this matter on a class-  
20 wide basis and includes Class Counsel’s Attorneys’ Fees of up to \$8,333,333.33 and Costs of up  
21 to \$2 million, notice and all costs of the Settlement Administrator, and any Incentive Award of up  
22 to \$15,000 to each of the Named Plaintiffs.

23 4. The Court preliminarily finds that the terms of the settlement appear to be within  
24 the range of approval, per Code of Civil Procedure § 382 and applicable law. The Court finds on a  
25 preliminary basis that: (1) the settlement amount is fair and reasonable to the Class Members when  
26 balanced against the probable outcome of further litigation relating to class certification, liability  
27 and damages issues, and potential appeals; (2) significant formal and informal discovery,  
28 investigation, research, and litigation has been conducted such that counsel for the parties at this

1 time are able to reasonably evaluate their respective positions; (3) settlement at this time will avoid  
2 substantial costs, delay, and risks that would be presented by further prosecution of the litigation;  
3 and (4) the settlement has been reached as the result of intensive, serious, and non-collusive  
4 negotiations between the Parties with the assistance of a well-respected mediator. Accordingly, the  
5 Court preliminarily finds that the Agreement was entered into in good faith.

6 **IT IS THEREFORE ORDERED THAT:**

7 5. **Class Members.** For purposes of effectuating this settlement, this Court  
8 preliminarily certifies a Class defined, as reflected in the Agreement, as follows:

9 All persons who initiated the purchase of a subscription to an app  
10 through the Apple App Store, excluding subscriptions to first-party  
11 Apple apps, during the period June 21, 2015 through January 30,  
12 2019, while enrolled in a Family Sharing group that had at least  
13 one other member at the time of the purchase, and who Apple's  
14 records indicate were resident in the United States at the time of  
the purchase. Excluded from this Class definition are all  
employees, officers, or agents of Defendant Apple Inc. Also  
excluded from this Class definition are all judicial officers  
assigned to this case as well as their staff and immediate families.

15 6. **Class Certification for Settlement Purposes.** The Court finds, for settlement  
16 purposes only, that the Class meets the requirements for certification under Code of Civil  
17 Procedure § 382 in that: (1) the Class Members are so numerous that joinder is impractical; (2)  
18 there are questions of law and fact that are common, or of general interest, to all Class Members,  
19 which predominate over individual issues; (3) Named Plaintiffs' claims are typical of the claims  
20 of the Class Members; (4) Named Plaintiffs and Class Counsel will fairly and adequately protect  
21 the interests of the Class Members; and (5) a class action is superior to other available methods for  
22 the fair and efficient adjudication of the controversy.

23 7. **Class Representatives.** The Court appoints Named Plaintiffs Diana Ismailyan and  
24 Jeff Torres as Class Representatives, for settlement purposes only.

25 8. **Class Counsel.** The Court appoints, for settlement purposes only, Wilshire Law  
26 Firm, PLC as Class Counsel.

27 9. **Settlement Administrator.** The Court appoints KCC Class Action Services LLC  
28 as the Settlement Administrator.

