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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

FUMIKO LOPEZ, FUMIKO LOPEZ, as  
Guardian of A.L., a Minor, JOHN TROY  
PAPPAS, and DAVID YACUBIAN,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Docket No.: 4:19-cv-04577-JSW (SK)

~~PROPOSED~~ FINAL APPROVAL  
ORDER

1 This matter comes before the Court to determine whether to approve the settlement  
2 between Plaintiffs Fumiko Rodriguez (formerly known as Fumiko Lopez), individually and as  
3 guardian of A.L., John Troy Pappas, and David Yacubian (“Plaintiffs”) and Defendant Apple Inc.  
4 (“Defendant” or “Apple” and together with Plaintiffs, the “Parties”).

5 The Court, having reviewed and considered Plaintiffs’ Motion for Final Approval of Class  
6 Action Settlement (ECF No. 365), the Joint Declaration in Support of Plaintiffs’ Unopposed  
7 Motion for Preliminary Approval of Class Action Settlement (“Joint Decl.”) (ECF No. 336-1),  
8 including the Settlement Agreement and Release (“Settlement” or “Settlement Agreement” or  
9 “SA”) (ECF No. 336-2) and other exhibits attached thereto (ECF Nos. 336-3 to 336-9), the  
10 Declaration of Christian Levis in Support of Plaintiffs’ Counsel’s Motion for Attorneys’ Fees and  
11 Expenses and Plaintiffs’ Application for Service Awards (“Levis Decl.”) (ECF No. 354-1), the  
12 Declaration of Steven Weisbrot Re: Notice and Administration (“Weisbrot Decl.”) and the exhibits  
13 attached thereto (ECF No. 365-2), the Declaration of Erin Green Comite (“Comite Decl.”) (ECF  
14 No. 365-1), the Objections to the Settlement (ECF Nos. 350, 351, 352, 353, 369, 367, 368, 372);  
15 the First, Second, and Third Supplemental Rose Declarations and exhibits attached thereto (ECF  
16 Nos. 384, 389, and 398), Plaintiffs’ First Supplemental Brief in Support of Motion for Final  
17 Approval (ECF No. 391), Plaintiffs’ Second Supplemental Brief in Support of Motion for Final  
18 Approval (ECF No. 396), Apple’s Supplemental Brief Regarding Plaintiffs’ Motion for Final  
19 Approval (ECF No. 390), the pleadings and other papers on file in this action, and argument at the  
20 Final Approval Hearing, including by the Parties, counsel for Objector Reily Stevens, and Objector  
21 Donna Kawasaki, hereby ORDERS as follows:

22 1. The Court has jurisdiction over the subject matter of the above-captioned action  
23 (the “Action”) and over the Parties to the Settlement, including Plaintiffs, Apple, and all Settlement  
24 Class Members.

25 2. For purposes of this Order, except as otherwise set forth herein, the Court  
26 incorporates the definitions contained in the Settlement Agreement.

27 3. Plaintiffs’ Motion for Final Approval of Class Action Settlement is GRANTED.  
28 The objections to the Settlement are OVERRULED.

1           4.       The Court finds that the Gross Settlement Amount of \$95,000,000 is fair, adequate,  
2 and reasonable, is the product of arm’s-length and informed negotiations, and treats all Settlement  
3 Class Members fairly in accordance with Federal Rule of Civil Procedure 23.

4           5.       The Parties shall perform their obligations pursuant to the terms of the Settlement  
5 Agreement and this Order.

6           6.       The following Settlement Class is finally certified under Federal Rules of Civil  
7 Procedure 23(a) and 23(b)(3) for settlement purposes:

8           All individual current or former owners or purchasers of a Siri Device,<sup>1</sup> who reside  
9 in the United States and its territories, whose confidential or private  
10 communications were obtained by Apple and/or were shared with third parties as a  
11 result of an unintended Siri activation between September 17, 2014 to the  
12 Settlement Date [December 31, 2024]. The Settlement Class excludes Apple; any  
entity in which Apple has a controlling interest; Apple’s directors, officers, and  
employees; Apple’s legal representatives, successors, and assigns. Also excluded  
from the Settlement Class are all judicial officers assigned to this case as well as  
their staff and immediate families.

13           7.       Also excluded from the Settlement Class are those persons listed on **Exhibit A**  
14 hereto that the Court finds have timely and validly requested exclusion from the Settlement Class  
15 in accordance with the Court’s Preliminary Approval Order.

16           8.       The Court finds that the exclusion requests submitted by Potter Handy, LLP  
17 (“Potter Handy”) and Kazerouni Law Group, APC (“Kazerouni”) purportedly on behalf of the  
18 persons listed on **Exhibit B** hereto are invalid because they do not reliably reflect an intent on  
19 behalf of those persons to exclude themselves from the Settlement Class and do not comply with  
20 the requirements of the Settlement Agreement. The Court further finds that Potter Handy and  
21 Kazerouni have provided incomplete and misleading information to Settlement Class Members  
22 and have interfered with their due process and notice rights under Federal Rule of Civil Procedure  
23 23. Accordingly, the exclusion requests submitted by Potter Handy and Kazerouni purportedly on  
24 behalf of the persons listed on **Exhibit B** are rejected.

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28 <sup>1</sup> The Settlement Agreement defines “Siri Device” as a Siri-enabled iPhone, iPad, Apple Watch, MacBook, iMac, HomePod, iPod touch, or Apple TV.

1           9.       The Court directs that curative notice be issued to the persons listed on **Exhibit B**  
2 as set forth in a separate, forthcoming order of this Court. The Parties shall meet and confer  
3 regarding the contents and form of the curative notice and submit their proposed curative notice to  
4 the Court on or before September 5, 2025. If any of the persons listed on **Exhibit B** individually  
5 submits a valid exclusion request following curative notice and in accordance with the directions  
6 in the Court-approved curative notice, Class Counsel shall add their names to an amended Exhibit  
7 A, which shall be filed with the Court.

8           10.       Pursuant to Federal Rule of Civil Procedure 23(g), the Court previously appointed  
9 Christian Levis of Lowey Dannenberg, P.C., and Erin Green Comite of Scott+Scott Attorneys at  
10 Law LLP, together with their law firms as Class Counsel to represent the Settlement Class. ECF  
11 No. 341 ¶5.

12           11.       The form, manner, and content of the Email Notice, Full Class Notice, Publication  
13 Notice, and Settlement Website were the best notice practicable under the circumstances, satisfied  
14 due process, provided adequate information to the Settlement Class of all matters relating to the  
15 Settlement, and fully satisfied the requirements of Federal Rules of Civil Procedure 23(c)(2) and  
16 (e)(1) and due process.

17           12.       Defendants shall fund the balance of the Gross Settlement Amount of \$95,000,000  
18 in accordance with the terms of the Settlement Agreement, this Order, and, once entered,  
19 Judgment.

20           13.       The Settlement Administrator shall disburse the Gross Settlement Amount in  
21 accordance with the terms of the Settlement Agreement and this Order.

22           14.       The Court finds that the Plan of Allocation is a fair and reasonable method to  
23 allocate the Net Settlement Amount among Settlement Class Members, and the Settlement  
24 Administrator is directed to administer the Plan of Allocation in accordance with its terms and the  
25 terms of the Settlement Agreement.

26           15.       Following distribution of the Gross Settlement Amount as set forth in the  
27 Settlement Agreement, if ACH transfers to Settlement Class Members fail after 120 days or checks  
28 attributable to Settlement Class Members remain uncashed after 120 days after the Class Payment

1 is distributed pursuant to Sections B.4–B.7 of the Settlement Agreement, the funds attributable to  
2 those individuals shall be deemed forfeited and used to pay any unanticipated additional costs of  
3 Settlement administration as set forth in Section F.6 of the Settlement Agreement.

4 16. If after paying all Class Payments, Notice, and Settlement administration expenses,  
5 and any Attorneys’ Fees and Expenses Payment and Service Awards that may be approved by the  
6 Court, there are funds remaining in the Gross Settlement Amount (the “Residual”), then Class  
7 Counsel and Apple’s Counsel shall meet and confer to discuss a proposal to present to the Court  
8 regarding a *cy pres* distribution. If a Residual exists, Class Counsel shall file a motion for approval  
9 of distribution to *cy pres* recipient(s) and shall explain “how those recipients are related to the  
10 subject matter of the lawsuit and the class members’ claims” and shall “identify any relationship  
11 they or their counsel have with the proposed *cy pres* recipients” in compliance with Northern  
12 District of California Procedural Guidance for Class Action Settlements, Preliminary  
13 Approval ¶ 8.

14 17. Under no circumstances will Settlement funds revert to Apple.

15 18. As of the Effective Date, the Releasing Parties will release and discharge and shall  
16 be deemed to have released and discharged the Apple Released Parties from the Named Plaintiffs’  
17 and Settlement Class Members’ Released Matters set forth in Section H.1. of the Settlement  
18 Agreement.

19 19. As of the Effective Date, Apple will be deemed to have completely released and  
20 forever discharged Plaintiffs and Class Counsel from the claims set forth in Section H.2 of the  
21 Settlement Agreement.


22 20. The Court will address Plaintiffs’ Counsel’s Motion for Attorneys’ Fees and  
23 Expenses and Plaintiffs’ Application for Service Awards by separate order.

24 21. The Court retains jurisdiction over the Parties, including Settlement Class  
25 Members, for the purposes of construing, enforcing, and administering this Order, as well as the  
26 Settlement Agreement itself.

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28 **IT IS SO ORDERED.**

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Dated: September 4, 2025

  
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JEFFREY S. WHITE  
United States District Judge