

COURT OF APPEAL - STATE

FOURTH APPELLATE

DIVISION ONE

Court of Appeal  
Fourth Appellate District

FILED ELECTRONICALLY

11/07/2019

Kevin J. Lane, Clerk  
By: Rita Rodriguez

BRANDON FELCZER et al.,  
Plaintiffs and Appellants,

v.

APPLE INC.,  
Defendant and Appellant.

**D073351**

**San Diego County Super. Ct. No. 37-2011-00102593-CU-OE-CTL**

THE COURT:

This court held a further settlement conference with counsel for all parties on October 29, 2019. At the settlement conference, and, superseding all previous settlement discussions, the parties mutually agreed to dismiss their respective appeals, and defendant Apple Inc. agreed not to enforce its \$203,126.43 costs order against plaintiffs Ramsey Hawkins and Joseph Lane Carco. In light of this agreement, a fairness hearing is not required, and the court therefore vacates its order of June 24, 2019 appointing the Honorable Eddie Sturgeon as a referee to conduct a fairness hearing. Apple's appeals filed December 13, 2017, April 11, 2018, and May 22, 2018 are hereby dismissed, and plaintiffs' appeals filed December 13, 2017, May 22, 2018, and June 11, 2018 are hereby dismissed. The Superior Court judgment of September 13, 2017 is no longer subject to appeal. In addition, the Superior Court's March 23, 2018 order regarding attorneys' fees and April 9, 2018 orders regarding costs are no longer subject to appeal. Upon issuance of the remittitur, the matter shall be returned to the Superior Court for further proceedings on a distribution plan and appropriate notice. The Clerk is directed to issue the remittitur immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party shall bear its own costs on appeal.

Huffman

Acting Presiding Justice

cc: All Parties

KEVIN J. LANE, Clerk of the Court of Appeal, Fourth Appellate District, State of California, does hereby Certify that the preceding is a true and correct copy of the Original of this document/order/opinion filed in this Court, as shown by the records of my office.

WITNESS, my hand and the Seal of this Court.



11/07/2019

KEVIN J. LANE, CLERK

By: *Rita Rodriguez*  
Deputy Clerk

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION ONE

San Diego County Superior Court - Main  
P.O. Box 120128  
San Diego, CA 92112

RE: BRANDON FELCZER et al.,  
Plaintiffs and Appellants,  
v.  
APPLE INC.,  
Defendant and Appellant.  
**D073351**  
**San Diego County Super. Ct. No. 37-2011-00102593-CU-OE-CTL**

**\* \* \* REMITTITUR \* \* \***

I, Kevin J. Lane, Clerk of the Court of Appeal of the State of California, for the Fourth Appellate District, certify the attached is a true and correct copy of the original opinion or decision entered in the above-entitled case on November 7, 2019, and that this opinion or decision has now become final.

Appellant \_\_\_\_\_ Respondent to recover costs.  
 Each party to bear own costs.  
 Other (See Below)

Witness my hand and the seal of the Court affixed this November 7, 2019

KEVIN J. LANE, Clerk

By: Rita Rodriguez, Deputy Clerk

cc: All Parties (Copy of remittitur only, Cal. Rules of Court, rule 8.272(d).)

