

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Turner v. Apple, Inc.

No. 5:20-cv-07495-EJD (N.D. Cal. July 16, 2025) · No. 5:20-cv-07495-EJD · Decided July 16, 2025

SUMMARY

The United States District Court for the Northern District of California denied Alasdair Turner's motion for class certification under Federal Rules of Civil Procedure 23(b)(3) and 23(b)(2). The court held that individualized questions concerning user permission and cellular-data usage defeated predominance, and that Turner lacked standing to seek injunctive relief. The court denied as moot the parties' motions to exclude expert testimony and Apple's motion for leave to file a sur-reply.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward J. Davila
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 16, 2025
DOCKET	5:20-cv-07495-EJD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for certification of damages and injunctive classes under Federal Rule of Civil Procedure 23(b)(3) and (b)(2), and both parties moved to exclude expert testimony under Daubert.
STANDARD OF REVIEW	The proponent of class certification bears the burden of proving Rule 23's requirements by a preponderance of the evidence. The court must conduct a rigorous analysis of each Rule 23 criterion and may consider the merits only to the extent relevant to those criteria.
PRECEDENTIAL VALUE	Unknown; unpublished federal district court order

TOPICS

- class actions
- standing
- consumer protection
- trespass
- civil procedure

PRACTICE AREAS

- class actions
- civil procedure
- consumer protection
- torts
- remedies

QUESTIONS PRESENTED

1. Whether the proposed class could be certified under Federal Rule of Civil Procedure 23 after limiting the class definition to iOS 13.0–13.5, as alleged in the operative complaint.
2. Whether common issues predominated over individualized questions concerning users' cellular-data permissions, the operation of allegedly malfunctioning code, and damages.
3. Whether Turner had Article III standing to represent an injunctive-relief class under Rule 23(b)(2).
4. Whether the parties' Daubert motions to exclude expert testimony should be decided at the class-certification stage.

HOLDINGS

1. The court would evaluate class certification only for the narrower class covering iOS 13.0–13.5, because the broader definition proposed in the certification motion was not pleaded in the operative complaint and its expansion of potential liability and class membership was not minor.
2. The proposed class satisfied numerosity, commonality, typicality, and adequacy.
3. The proposed damages class could not be certified under Rule 23(b)(3) because individualized questions concerning user permission, whether the alleged code consumed data in violation of each user's settings, and damages predominated over common questions.
4. Turner could not certify an injunctive-relief class under Rule 23(b)(2) because he lacked Article III standing to seek an injunction.
5. The parties' motions to exclude expert testimony were denied as moot because the challenged testimony did not bear on the court's reasons for denying class certification.

KEY QUOTATIONS

“Before certifying a class, the Court must conduct a “rigorous analysis” of each of Rule 23’s criteria.”
(Section II)

“The only way to determine 23 a user’s settings is to ask her. That is an unavoidably individual task—one that may border on impossible when taking into account the passage of time and fading memories.” (Section II.C.2)

“The Court also DENIES AS MOOT Apple’s motion for leave to file a sur-reply (ECF No. 269).” (Section IV)

FACTUAL BACKGROUND

Turner alleged that certain versions of Apple's iOS 13 contained malfunctioning code that consumed cellular data for applications even when users had toggled cellular-data access off for those applications. He sought certification of a nationwide class of iPhone purchasers, owners, users, or lessees who used limited cellular data plans while a covered iOS 13 version was installed. The proposed class included versions of iOS 13 broader than those pleaded in the operative complaint, and Turner no longer used a covered iOS version because iOS 13.0–13.5 was no longer available.

PROCEDURAL HISTORY

Turner asserted claims against Apple for trespass to chattels, violations of the California Computer Data Access and Fraud Act, and violations of the unlawful and unfair prongs of California's Unfair Competition Law. The court limited the proposed class to the iOS 13.0–13.5 versions alleged in the operative complaint, denied class certification because predominance was not satisfied and Turner lacked standing to seek injunctive relief, and denied the expert-exclusion motions and Apple's sur-reply motion as moot. The court directed the parties to meet and confer and submit a proposed schedule for resolving the remaining individual claims.

DISPOSITION

other

CASES CITED

- S.F. Baykeeper v. City of Sunnyvale, No. 5:20-cv-00824, 2025 WL 823266, at *3 (N.D. Cal. Feb. 3, 2025)
- Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC, 31 F.4th 651, 663–65 (9th Cir. 2022)
- Gen. Tel. Co. of Sw. v. Falcon, 457 U.S. 147, 161 (1982)
- DZ Rsrv. v. Meta Platforms, Inc., 96 F.4th 1223, 1232 (9th Cir. 2024)
- Costelo v. Chertoff, 258 F.R.D. 600, 604–05 & n.6 (C.D. Cal. 2009)
- Davis v. AT&T Corp., No. 15-cv-2342, 2017 WL 1155350, at *2 (S.D. Cal. Mar. 28, 2017)
- Vizcarra v. Unilever U.S., Inc., 339 F.R.D. 530, 543 (N.D. Cal. 2021)
- Grace v. Apple, Inc., 328 F.R.D. 320, 331–32 (N.D. Cal. 2018)
- Wolin v. Jaguar Land Rover N. Am., LLC, 617 F.3d 1168, 1175 (9th Cir. 2010)
- Just Film, Inc. v. Buono, 847 F.3d 1108, 1116 (9th Cir. 2017)
- Hanon v. Dataproducts Corp., 976 F.2d 497, 508 (9th Cir. 1992)
- Staton v. Boeing Co., 327 F.3d 938, 957 (9th Cir. 2003)
- In re Twitter Inc. Sec. Litig., 326 F.R.D. 619, 628 (N.D. Cal. 2018)
- Hamilton v. Wal-Mart Stores, Inc., 39 F.4th 575, 588 n.6 (9th Cir. 2022)
- Tyson Foods, Inc. v. Bouaphakeo, 577 U.S. 442, 453 (2016)
- Davis v. HSBC Bank Nev., N.A., 691 F.3d 1152, 1168 (9th Cir. 2012)
- Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc., 528 U.S. 167, 180 (2000)
- Comcast Corp. v. Behrend, 569 U.S. 27, 34 (2013)
- Lytle v. Nutramax Lab'ys, Inc., 114 F.4th 1011, 1024, 1031 (9th Cir. 2024)
- Brown v. Am. Airlines, Inc., 285 F.R.D. 546, 560 (C.D. Cal. 2011)
- Alvarez v. Off. Depot, Inc., No. 17-cv-7220, 2019 WL 2710750, at *5 (C.D. Cal. June 27, 2019)
- Jeffrey Katz Chiropractic, Inc. v. Diamond Respiratory Care, Inc., 340 F.R.D. 383, 387–88 (N.D. Cal. 2021)
- Hodgers-Durgin v. de la Vina, 199 F.3d 1037, 1044–45 (9th Cir. 1999)
- Mont. Shooting Sports Ass'n v. Holder, 727 F.3d 975, 980 (9th Cir. 2013)
- Amgen Inc. v. Conn. Ret. Plans & Tr. Funds, 568 U.S. 455, 466 (2013)

