

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 v.)
)
 APPLE, INC.,)
 HACHETTE BOOK GROUP, INC.,)
 HARPERCOLLINS PUBLISHERS, L.L.C.)
 VERLAGSGRUPPE GEORG VON)
 HOLTZBRINK PUBLISHERS, LLC)
 d/b/a MACMILLAN,)
 THE PENGUIN GROUP,)
 A DIVISION OF PEARSON PLC,)
 PENGUIN GROUP (USA), INC. and)
 SIMON & SCHUSTER, INC.,)
)
 Defendants.)

Civil Action No.12-CV-2826 (DLC)

NOTICE OF APPEAL

Notice is hereby given that Bob Kohn appeals to the United States Court of Appeals for the Second Circuit from an order dated October 2, 2012 (Docket #136) denying his Motion for Leave to Intervene for the Sole Purpose of Appealing the Final Judgment which was entered in this action on September 6, 2012. A copy of the Opinion and Order is filed concurrently.

Dated: October 2, 2012

Respectfully submitted,

/s/ Bob Kohn

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/s/ Steven Brower

By: _____
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Pro Bono Counsel to Bob Kohn

STAYED, APPEAL, COMPLEX-CSMGMT, ECF, MDL, RELATED
U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-02826-DLC

Unites States of America v. Apple, Inc. et al
Assigned to: Judge Denise L. Cote
Lead case: [1:11-md-02293-DLC](#)
Member case: [\(View Member Case\)](#)
Related Case: [1:11-md-02293-DLC](#)
Cause: 15:1 Antitrust Litigation

Date Filed: 04/11/2012
Jury Demand: None
Nature of Suit: 410 Anti-Trust
Jurisdiction: U.S. Government Plaintiff

Plaintiff

Unites States of America

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TERMINATED: 09/06/2012

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Date Filed	#	Docket Text
04/11/2012	<u>1</u>	COMPLAINT against Apple, Inc., Hachette Book Group, Inc., HarperCollins Publishers L.L.C., Holtzbrinck Publishers, LLC, Penguin Group (USA), Inc., Simon & Schuster, Inc., The Penguin Group, Verlagsgruppe Georg Von Holtzbrinck GMBH. Document filed by Unites States of America.(tro) (Entered: 04/11/2012)
04/11/2012		SUMMONS ISSUED as to Apple, Inc., Hachette Book Group, Inc., HarperCollins Publishers L.L.C., Holtzbrinck Publishers, LLC, Penguin Group (USA), Inc., Simon & Schuster, Inc., The Penguin Group, Verlagsgruppe Georg Von Holtzbrinck GMBH. (tro) (Entered: 04/11/2012)
04/11/2012		CASE REFERRED TO Judge Denise L. Cote as possibly related to 1:11-md-02293. (tro) (Entered: 04/11/2012)
04/11/2012		Case Designated ECF. (tro) (Entered: 04/11/2012)
04/11/2012	<u>2</u>	ORDER DESIGNATING CASE FOR INCLUSION IN PILOT PROJECT REGARDING CASE MANAGEMENT TECHNIQUES FOR COMPLEX CIVIL CASES. This case is hereby designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York (the "Pilot Project"). The parties are directed to the court's website for a description of the Pilot Project, including procedures to be followed, at www.nysd.uscourts.gov . (Signed by Judge Loretta A. Preska on 10/31/2011) (tro) (Entered: 04/11/2012)
04/11/2012	<u>3</u>	NOTICE of Plaintiff's Explanation of Consent Decree Procedures. Document filed by Unites States of America. (Fairchild, Stephen) (Entered: 04/11/2012)
04/11/2012	<u>4</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – NOTICE of Stipulation Concerning Entry of PROPOSED Final Judgment as to Defendants Hachette, HarperCollins, and Simon & Schuster, After Compliance with the APPA. Document filed by Unites States of America. (Attachments: # <u>1</u> Exhibit PROPOSED Final Judgment as to Defendants Hachette, HarperCollins, and Simon & Schuster)(Fairchild, Stephen) Modified on 4/12/2012 (ka). (Entered: 04/11/2012)
04/11/2012	<u>5</u>	NOTICE of Competitive Impact Statement. Document filed by Unites States of America. (Fairchild, Stephen) (Entered: 04/11/2012)
04/11/2012		CASE ACCEPTED AS RELATED. Create association to 1:11-md-02293-DLC. Notice of Assignment to follow. (pgu) (Entered: 04/11/2012)
04/11/2012		CONSOLIDATED MDL CASE: Create association to 1:11-md-02293-DLC. (pgu) (Entered: 04/11/2012)
04/11/2012	<u>6</u>	NOTICE OF CASE ASSIGNMENT to Judge Denise L. Cote. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 04/11/2012)
04/11/2012		Magistrate Judge Michael H. Dolinger is so designated. (pgu) (Entered: 04/11/2012)
04/12/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney Stephen Thayer Fairchild to E-MAIL to judgments@nysd.uscourts.gov., Document No. <u>4</u> Stipulation. This document is not filed via ECF. (ka) (Entered: 04/12/2012)
04/12/2012	<u>7</u>	ORDER: Conference set for 4/18/2012 at 02:00 PM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. Counsel representing parties in any related litigation, including The State of Texas, et al. vs Penquin

		Group (USA) Inc., et al., 12 CV 0324(W.D. TX), may also attend. Counsel for the defendants are requested to notify the plaintiffs in any related action of this Order. (Signed by Judge Denise L. Cote on 4/12/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 04/12/2012)
04/12/2012	<u>8</u>	Letter addressed to Judge Denise L. Cote from Daniel McCuaig dated 4/11/2012 re: counsel for plaintiff United States to submit two courtesy copies of the following documents filed today regarding the above-referenced case: 1. Complaint 2. Stipulation and Proposed Final Judgment 3. Competitive Impact Statement 4. Plaintiff United States' Explanation of Consent Decree Procedures,. Document filed by Unites States of America.(pl) (Entered: 04/13/2012)
04/13/2012	17	Letter addressed to Judge Denise L Cote from Daniel McCuaig dated 4/11/2012 re: settlement with defendants Hachette Books, HarperCollins, and Simon &Schuster. Document filed by Unites States of America.(cd) (Entered: 04/19/2012)
04/17/2012	<u>9</u>	NOTICE OF APPEARANCE by Joel M. Mitnick on behalf of Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH (Mitnick, Joel) (Entered: 04/17/2012)
04/17/2012	<u>10</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) Modified on 4/26/2012 (gp). Modified on 4/26/2012 (gp). (Entered: 04/17/2012)
04/17/2012	<u>11</u>	NOTICE OF APPEARANCE by Alexandra Shear on behalf of Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH (Shear, Alexandra) (Entered: 04/17/2012)
04/18/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 4/18/2012. Court Reporter: Denise Richards present Associated Cases: 1:11-md-02293-DLC et al.(djc) (Entered: 04/20/2012)
04/18/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 4/18/2012. Court Reporter: Denise Richards present. (mro) (Entered: 04/23/2012)
04/19/2012	<u>12</u>	NOTICE OF APPEARANCE by Shepard Goldfein on behalf of HarperCollins Publishers L.L.C. (Goldfein, Shepard) (Entered: 04/19/2012)
04/19/2012	<u>13</u>	NOTICE OF APPEARANCE by Paul Madison Eckles on behalf of HarperCollins Publishers L.L.C. (Eckles, Paul) (Entered: 04/19/2012)
04/19/2012	<u>14</u>	NOTICE OF APPEARANCE by Clifford Hank Aronson on behalf of HarperCollins Publishers L.L.C. (Aronson, Clifford) (Entered: 04/19/2012)
04/19/2012	<u>15</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent News Corporation for HarperCollins Publishers L.L.C.. Document filed by HarperCollins Publishers L.L.C..(Eckles, Paul) (Entered: 04/19/2012)
04/19/2012	<u>16</u>	NOTICE of Certification of Defendant HarperCollins Pursuant to 15 U.S.C. §16(g). Document filed by HarperCollins Publishers L.L.C.. (Aronson, Clifford) (Entered: 04/19/2012)
04/20/2012	<u>18</u>	NOTICE OF APPEARANCE by Jennifer R. Scullion on behalf of Simon &Schuster, Inc. (Attachments: # <u>1</u> Certificate of Service)(Scullion, Jennifer) (Entered: 04/20/2012)
04/20/2012	<u>19</u>	NOTICE of Defendant Simon &Schuster Inc.'s Description and Certification of Written or Oral Communications Concerning the Proposed Final Judgment in this Action. Document filed by Simon &Schuster, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Scullion, Jennifer) (Entered: 04/20/2012)
04/20/2012	<u>20</u>	NOTICE OF APPEARANCE by Helene Debra Jaffe on behalf of Simon &Schuster, Inc. (Attachments: # <u>1</u> Certificate of Service)(Jaffe, Helene) (Entered: 04/20/2012)
04/20/2012	<u>21</u>	NOTICE OF APPEARANCE by James W. Quinn on behalf of Simon &Schuster, Inc. (Quinn, James) (Entered: 04/20/2012)

04/20/2012	<u>22</u>	NOTICE OF APPEARANCE by Yehudah Lev Buchweitz on behalf of Simon & Schuster, Inc. (Buchweitz, Yehudah) (Entered: 04/20/2012)
04/20/2012	<u>23</u>	NOTICE OF APPEARANCE by Walter B. Stuart, IV on behalf of Hachette Book Group, Inc. (Stuart, Walter) (Entered: 04/20/2012)
04/20/2012	<u>24</u>	NOTICE OF APPEARANCE by Samuel Joseph Rubin on behalf of Hachette Book Group, Inc. (Rubin, Samuel) (Entered: 04/20/2012)
04/20/2012	<u>25</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Hachette Livre USA, Inc., Corporate Parent Lagardere SCA, Corporate Parent Lagardere North America Inc., Corporate Parent Hachette SAS for Hachette Book Group, Inc.. Document filed by Hachette Book Group, Inc..(Stuart, Walter) (Entered: 04/20/2012)
04/20/2012	<u>26</u>	NOTICE of Certification of Defendant Hachette Book Group Pursuant to 15 U.S.C. Section 16(g). Document filed by Hachette Book Group, Inc.. (Stuart, Walter) (Entered: 04/20/2012)
04/23/2012	<u>27</u>	CASE MANAGEMENT ORDER: It is hereby ORDERED as follows: 1. Any application by Penguin Group USA, Inc. to withdraw its Motion to Compel Arbitration and Stay Proceedings must be submitted by April 27, 2012. 2. The Government and defendants Hachette Book Group, Inc.; HarperCollins Publishers L.L.C.; and Simon & Schuster, Inc. (collectively, the "Settling Parties") shall submit a proposed order for a stay by April 30, 2012. 3. The Government shall file any motion with respect to a proposed final judgment by July 27. Any submissions in response to this motion by a party in one of the above-captioned actions shall be filed by August 8, 2012, and shall not exceed 5 pages. The limit of 10 pages described at the conference is hereby reduced to 5 pages. The Government shall have until August 15, 2012 to file any reply. IT IS FURTHER ORDERED that a conference in these actions, and any related actions subsequently accepted by this Court, will be held on June 22, 2012 at 2:30 p.m. at the United States Courthouse, 500 Pearl Street, New York, New York, in Courtroom 15B. IT IS FURTHER ORDERED that prior to the June 22, 2012 conference, the parties in these actions, and any related actions subsequently accepted by this Court, shall submit to the Court a proposal for coordinated discovery and a proposed confidentiality agreement. Motions due by 7/27/2012. Responses due by 8/8/2012. Replies due by 8/15/2012. Status Conference set for 6/22/2012 at 02:30 PM in Courtroom 15B, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 4/23/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(rjm) (Entered: 04/24/2012)
04/25/2012	<u>28</u>	ORDER: ORDERED that, unless Penguin advises the Court by April 30, 2012 that it wishes its March 2 motion to stay proceedings and compel arbitration to be addressed, the motion will be deemed withdrawn. IT IS FURTHER ORDERED that in the event Penguin files a renewed motion to arbitrate, any party opposing the motion may present any arguments that are appropriate, including that Penguin has waived its right to arbitrate. (Signed by Judge Denise L. Cote on 4/25/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(djc) (Entered: 04/26/2012)
04/26/2012	<u>29</u>	NOTICE OF APPEARANCE by Hane Lee Kim on behalf of Apple, Inc. (Kim, Hane) (Entered: 04/26/2012)
04/26/2012	<u>30</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Georg von Holtzbrinck GmbH & Co. KG for Holtzbrinck Publishers, LLC. Document filed by Holtzbrinck Publishers, LLC.(Mitnick, Joel) (Entered: 04/26/2012)
04/26/2012	<u>31</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) (Entered: 04/26/2012)
04/27/2012	<u>32</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Apple, Inc..(Kim, Hane) (Entered: 04/27/2012)
04/27/2012	<u>33</u>	Letter addressed to Judge Denise L. Cote from Daniel Floyd dated 4/25/2012 re: Per our discussion at the April 18, 2012 Status Conference, HaneL. Kim, my colleague from Gibson Dunn's New York office, will serve as coordinating counsel

		for non-settling defendants in the above-captioned actions. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(ama) (Entered: 04/27/2012)
05/01/2012	<u>34</u>	NOTICE OF APPEARANCE by Andrew Jay Frackman on behalf of Apple, Inc. (Frackman, Andrew) (Entered: 05/01/2012)
05/01/2012	<u>35</u>	NOTICE OF APPEARANCE by Edward Nathaniel Moss on behalf of Apple, Inc. (Moss, Edward) (Entered: 05/01/2012)
05/01/2012	<u>36</u>	Letter addressed to Judge Denise L Cote from Shepard Goldfein dated 4/30/2012 re: The settling defendants request that the Court enter the enclosed Stay Order. Document filed by HarperCollins Publishers L.L.C. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 05/01/2012)
05/01/2012	<u>37</u>	Letter addressed to Judge Denise L Cote from Steve W Berman dated 4/30/2012 re: We submit an alternative Stay Order for the court's consideration. Document filed by Shilpa Grover et al. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 05/01/2012)
05/01/2012	<u>38</u>	ORDER STAYING CASE until 7/11/2012 as to defendants HarperCollins Publishers, Hachette Book Group, Inc, Hachette Digital Inc. (settling defendants), and as further set forth in this document. (Signed by Judge Denise L. Cote on 5/1/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 05/01/2012)
05/01/2012	<u>39</u>	MOTION for Richard Parker to Appear Pro Hac Vice. Document filed by Apple, Inc.(pgu) (Entered: 05/02/2012)
05/03/2012	<u>40</u>	MEMO ENDORSEMENT on re: <u>39</u> Motion for Richard Parker to Appear Pro Hac Vice. ENDORSEMENT: Granted.. (Signed by Judge Denise L. Cote on 5/3/2012) (jfe) (Entered: 05/03/2012)
05/03/2012	<u>41</u>	NOTICE OF CHANGE OF ADDRESS by Edward Nathaniel Moss on behalf of Apple, Inc.. New Address: O'Melveny &Myers LLP, 7 Times Square, New York, NY, United States 10036, 212-326-2000. (Moss, Edward) (Entered: 05/03/2012)
05/08/2012		CASHIERS OFFICE REMARK on <u>39</u> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 05/01/2012, Receipt Number 1036930. (jd) Modified on 5/8/2012 (kco). (Entered: 05/08/2012)
05/08/2012	<u>42</u>	MOTION for Daniel S. Floyd, Daniel G. Swanson & Jagannathan P. Srinivasan to Appear Pro Hac Vice. Document filed by Apple, Inc.(pgu) (Entered: 05/09/2012)
05/09/2012	<u>43</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Denise L. Cote on 5/9/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(lmb) (Entered: 05/09/2012)
05/10/2012	<u>44</u>	NOTICE OF APPEARANCE by Eric Lipman on behalf of The State of Texas Filed In Associated Cases: 1:11-md-02293-DLC et al.(Lipman, Eric) (Entered: 05/10/2012)
05/10/2012		CASHIERS OFFICE REMARK on <u>42</u> Motion to Appear Pro Hac Vice in the amount of \$600.00, paid on 05/08/2012, Receipt Number 1037644,1037645,1037646. (jd) (Entered: 05/10/2012)
05/11/2012	<u>45</u>	ORDER granting <u>42</u> Motion for Daniel S. Floyd, Daniel G. Swanson, and Jagannathan P. Srinivasan, to Appear Pro Hac Vice. (Signed by Judge Denise L. Cote on 5/11/2012) (ama) (Entered: 05/11/2012)
05/11/2012	<u>46</u>	NOTICE OF APPEARANCE by Daniel F. McInnis on behalf of Penguin Group (USA), Inc., The Penguin Group (McInnis, Daniel) (Entered: 05/11/2012)
05/11/2012	<u>47</u>	NOTICE OF APPEARANCE by Allison Sheedy on behalf of Penguin Group (USA), Inc., The Penguin Group (Sheedy, Allison) (Entered: 05/11/2012)
05/16/2012	<u>48</u>	NOTICE OF APPEARANCE by Carrie Ann Syme on behalf of Unites States of America (Syme, Carrie) (Entered: 05/16/2012)

05/16/2012	<u>49</u>	NOTICE OF CHANGE OF ADDRESS by Carrie Ann Syme on behalf of Unites States of America. New Address: United States Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, NY, US 10278, (212) 335-8036. (Syme, Carrie) (Entered: 05/16/2012)
05/16/2012	<u>50</u>	NOTICE OF APPEARANCE by David Joseph Carey on behalf of Holtzbrinck Publishers, LLC (Carey, David) (Entered: 05/16/2012)
05/16/2012	<u>51</u>	NOTICE OF APPEARANCE by John Joseph Lavelle on behalf of Holtzbrinck Publishers, LLC (Lavelle, John) (Entered: 05/16/2012)
05/22/2012	<u>52</u>	NOTICE OF APPEARANCE by Daniel S. Floyd on behalf of Apple, Inc. (Floyd, Daniel) (Entered: 05/22/2012)
05/22/2012	<u>53</u>	NOTICE OF APPEARANCE by Daniel G. Swanson on behalf of Apple, Inc. (Swanson, Daniel) (Entered: 05/22/2012)
05/22/2012	<u>54</u>	ANSWER to <u>1</u> Complaint,. Document filed by Apple, Inc..(Floyd, Daniel) (Entered: 05/22/2012)
05/29/2012	<u>55</u>	NOTICE OF APPEARANCE by Lawrence Edward Buterman on behalf of Unites States of America (Buterman, Lawrence) (Entered: 05/29/2012)
05/29/2012	<u>56</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Pearson plc for Penguin Group (USA), Inc., The Penguin Group. Document filed by Penguin Group (USA), Inc., The Penguin Group.(McInnis, Daniel) (Entered: 05/29/2012)
05/29/2012	<u>57</u>	ANSWER to <u>1</u> Complaint,. Document filed by Penguin Group (USA), Inc., The Penguin Group.(McInnis, Daniel) (Entered: 05/29/2012)
05/29/2012	<u>58</u>	ANSWER to <u>1</u> Complaint,. Document filed by Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) (Entered: 05/29/2012)
05/29/2012	<u>59</u>	ANSWER to <u>1</u> Complaint,. Document filed by Holtzbrinck Publishers, LLC.(Mitnick, Joel) (Entered: 05/29/2012)
06/11/2012	<u>60</u>	ENDORSED LETTER addressed to Judge Denise L Cote from Daniel McCuaig dated 6/7/2012 re: Accordingly, t11e United States asks that the Court excuse publication of the public comments in the Federal Register and, instead, allow comments to be posted on the Antitrust Division website in conjunction with Federal Register publication of the internet address at which comments can be read and downloaded. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 6/11/2012) (cd) (Entered: 06/11/2012)
06/12/2012	<u>61</u>	NOTICE of Executed Waivers of Service by Defendants. Document filed by Unites States of America. (Attachments: # <u>1</u> Waiver of Service by Apple, Inc., # <u>2</u> Waiver of Service by Hachette Book Group, Inc., # <u>3</u> Waiver of Service by HarperCollins Publishers L.L.C., # <u>4</u> Waiver of Service by Verlagsgruppe Georg von Holtzbrinck GmbH, # <u>5</u> Waiver of Service by Holtzbrinck Publishers, LLC d/b/a Macmillan, # <u>6</u> Waiver of Service by The Penguin Group, A Division of Pearson PLC, # <u>7</u> Waiver of Service by Penguin Group (USA), Inc., # <u>8</u> Waiver of Service by Simon &Schuster, Inc.)(Buterman, Lawrence) (Entered: 06/12/2012)
06/13/2012	63	MOTION for Stephanie A. Fleming to Appear Pro Hac Vice. Document filed by Unites States of America.(pgu) (Entered: 06/14/2012)
06/14/2012	<u>62</u>	NOTICE OF APPEARANCE by Mark W Ryan on behalf of Unites States of America (Ryan, Mark) (Entered: 06/14/2012)
06/15/2012	<u>64</u>	STATUS REPORT. <i>Joint Initial Report of All Parties</i> Document filed by Unites States of America. (Attachments: # <u>1</u> Exhibit Proposed Schedules, # <u>2</u> Exhibit Parties' Current Disputes, # <u>3</u> Exhibit Joint ESI Submission)(Syme, Carrie) (Entered: 06/15/2012)
06/18/2012	<u>65</u>	MEMO ENDORSEMENT on 63 Motion for Stephanie A. Fleming to Appear Pro Hac Vice. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 6/18/2012) (djc) (Entered: 06/19/2012)

06/20/2012	<u>66</u>	Letter addressed to Judge Denise L Cote from Daniel Floyd dated 6/19/2012 re: Apple's position on the remaining disputes among the parties re joint initial report. Document filed by Apple, Inc. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/20/2012	<u>67</u>	Letter addressed to Judge Denise L Cote from Steve W Berman dated 6/20/2012 re: Disputes to the Joint Initial Report, filed by Class Plaintiffs. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/20/2012	<u>68</u>	Letter addressed to Judge Denise L Cote from Joel M Mitnick dated 6/20/2012 re: Remaining Disputes and the Joint Initial Report. Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/20/2012	<u>69</u>	Letter addressed to Judge Denise L Cote from Gabriel R Gervery and W. Joseph Nielsen dated 6/20/2012 re: Plaintiff States request that the Court adopt the Plaintiffs' proposed schedule. Document filed by Plaintiff States. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/21/2012	<u>70</u>	Letter addressed to Judge Denise L Cote from Mark W Ryan dated 6/20/2012 re: Discovery should proceed without delay and the resolution of the United States' claims need not be combined with trials in the other set of cases. Document filed by Unites States of America. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 06/21/2012)
06/22/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 6/22/2012. (Court Reporter Pam Utter) Associated Cases: 1:11-md-02293-DLC et al.(gr) (Entered: 07/12/2012)
06/22/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 6/22/2012. (Court Reporter Pam Utter) (gr) (Entered: 07/12/2012)
06/25/2012	<u>71</u>	SCHEDULING ORDER: Amended Initial Report due by 7/6/2012. Government shall file any motion with respect to a proposed final judgment in 12cv2826 by 8/3/2012, Responses due by 8/15/2012, replies due by 8/22/2012. Fact Discovery due by 3/22/2012. Expert Discovery due by 3/22/2012. The plaintiffs in 12cv3394 shall submit by 8/20/2012, any motion for preliminary approval of any settlement agreement. Any motion to certify class in 11MD2293 must be submitted by 11/16/2012. The defendants' opposition due by 12/14/2012. Plaintiffs' reply due by 1/18/2012. Joint pretrial order due by 4/26/2013 in 12cv2826. Motions in limine in 12cv2826 are due by 4/26/2012, responses due by 5/3/2012, replies due by 5/8/2012. Final pretrial conference in 12cv2826 is scheduled for 5/24/2013 at 2:00 p.m. in Courtroom 15B, 500 Pearl Street. Trial in 12cv2826 will begin on 6/3/2013 at 9:30 a.m. Any motion for summary judgment in the above listed actions in 11MD2293 or 12cv3394 must be served by 9/13/2013, any opposition served by 10/4/2012, any reply due by 10/18/2012. All other deadlines are as set forth in this order. (Signed by Judge Denise L. Cote on 6/25/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(jar) (Entered: 06/25/2012)
06/25/2012	<u>72</u>	ORDER: With respect to these cases only, communications with Chambers by letter shall not exceed two pages in length and shall be e-mailed as a pdf attachment to the following address: see order. A copy shall simultaneously be delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court. No e-mailed letter shall be sent to the Court by mail unless it has an attachment greater than ten pages. (Signed by Judge Denise L. Cote on 6/25/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(jar) (Entered: 06/25/2012)
06/26/2012	<u>73</u>	Letter addressed to Judge Denise L. Cote from Mark W. Ryan dated 6/20/12 re: The United States believes that discovery should proceed without delay and that the resolution of the United States' claims need not be combined with trials in the other sets of cases. Document filed by Unites States of America. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(mro) (Entered: 06/26/2012)

		06/26/2012)
06/27/2012	<u>74</u>	Letter addressed to Judge Denise L Cote from Gabriel R Gervey and Gary Becker dated 6/26/2012 re: Plaintiff states are aenable to a bench trial. Document filed by The State of Texas.Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/28/2012)
07/06/2012	<u>75</u>	MOTION for DAVID J. CAREY to Withdraw as Attorney <i>and [Proposed] Order</i> . Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) (Entered: 07/06/2012)
07/06/2012	<u>76</u>	STATUS REPORT. <i>Revised Joint Initial Report</i> Document filed by Unites States of America. (Attachments: # <u>1</u> Exhibit Schedule, # <u>2</u> Exhibit Revised ESI Report)Filed In Associated Cases: 1:11-md-02293-DLC et al.(Syme, Carrie) (Entered: 07/06/2012)
07/09/2012	<u>77</u>	ORDER: It is hereby ordered that the stay in this litigation as to defendant Hachette Digital, Inc. is extended from July 11, 2011 to August 10, 2012. (Signed by Judge Denise L. Cote on 7/9/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(js) (Entered: 07/10/2012)
07/12/2012	<u>78</u>	TRANSCRIPT of Proceedings re: CONFERNCE held on 6/22/2012 before Judge Denise L. Cote. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/6/2012. Redacted Transcript Deadline set for 8/16/2012. Release of Transcript Restriction set for 10/15/2012.(McGuirk, Kelly) (Entered: 07/12/2012)
07/12/2012	<u>79</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 6/22/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/12/2012)
07/12/2012	<u>80</u>	Letter addressed to Judge Denise L. Cote from Mark W. Ryan dated 7/11/2012 re: The United States respectfully submits this response to Mr. Kohn's July 9, 2012 letter. Document filed by Unites States of America.(ama) (Entered: 07/12/2012)
07/17/2012		***DELETED DOCUMENT. Deleted document number <u>83</u> Letter. The document was incorrectly filed in this case. Duplicate of entry <u>80</u> . (tro) (Entered: 07/30/2012)
07/23/2012	<u>81</u>	RESPONSE to <i>Public Comments on the Proposed Final Judgment</i> . Document filed by Unites States of America. (Fleming, Stephanie) (Entered: 07/23/2012)
07/26/2012	<u>82</u>	MEMO ENDORSED in case 1:11-cv-05576-DLC; granting (201) Motion for George Farah to Appear Pro Hac Vice in case 1:11-md-02293-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05576-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05609-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05621-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05707-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05750-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05896-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05898-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05976-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-06019-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-06079-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-07507-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-07534-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-07323-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-08329-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac

		Vice in case 1:11-cv-08608-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09016-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09014-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09559-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09560-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09561-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09562-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09563-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09564-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09565-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09566-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09567-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:12-cv-00476-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:12-cv-02826-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:12-cv-03394-DLC. (Signed by Judge Denise L. Cote on 7/26/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(cd) (Entered: 07/27/2012)
07/31/2012	<u>83</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc. (Attachments: # <u>1</u> Affidavit Declaration of David N. Wynn with exhibits, # <u>2</u> Text of Proposed Order Proposed Order)(Wynn, David) Modified on 8/1/2012 (db). (Entered: 07/31/2012)
07/31/2012	<u>84</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>83</u> MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc. (Wynn, David) Modified on 8/1/2012 (db). (Entered: 07/31/2012)
08/01/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Neal Wynn to RE-FILE Document <u>83</u> MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment. ERROR(S): Supporting Documents are filed separately, each receiving their own document #. (db) (Entered: 08/01/2012)
08/01/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Neal Wynn to RE-FILE Document <u>84</u> Memorandum of Law in Support of Motion. ERROR(S): Document linked to filing error. (db) (Entered: 08/01/2012)
08/01/2012	<u>85</u>	MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc..(Wynn, David) (Entered: 08/01/2012)
08/01/2012	<u>86</u>	DECLARATION of David N. Wynn in Support re: <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment.. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc.. (Wynn, David) (Entered: 08/01/2012)
08/01/2012	<u>87</u>	MEMORANDUM OF LAW in Support re: <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment.. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc.. (Wynn, David) (Entered: 08/01/2012)
08/03/2012	<u>88</u>	MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h). Document filed by Unites States of America.(Fleming, Stephanie) (Entered: 08/03/2012)

08/03/2012	<u>89</u>	DECLARATION of Stephanie A. Fleming in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Unites States of America. (Attachments: # <u>1</u> Exhibit Certificate of Compliance, # <u>2</u> Exhibit Proposed Final Judgment)(Fleming, Stephanie) (Entered: 08/03/2012)
08/03/2012	<u>90</u>	MEMORANDUM OF LAW in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Unites States of America. (Fleming, Stephanie) (Entered: 08/03/2012)
08/03/2012	<u>91</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Booksellers Association, Inc..(Wynn, David) (Entered: 08/03/2012)
08/06/2012	<u>92</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate Liberty Media Corporation, Other Affiliate Liberty GIC, Inc., for Barnes & Noble, Inc.. Document filed by Barnes & Noble, Inc..(Wynn, David) (Entered: 08/06/2012)
08/06/2012	<u>93</u>	MEMORANDUM OPINION & ORDER re: #102195 <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes & Noble, Inc. The August 1, 2012 motion submitted by the ABA and Barnes & Noble for leave to file amici curiae responses to DoJ's Tunney Act filings is granted. The submission from the ABA and Barnes & Noble in support of the August 1 motion will be accepted as amici curiae response to the DoJ's Tunney Act filings. No additional filings from the ABA and Barnes & Noble shall be permitted. (Signed by Judge Denise L. Cote on 8/6/2012) (lmb) Modified on 8/15/2012 (jab). (Entered: 08/06/2012)
08/07/2012	<u>94</u>	ORDER: that any corrections or observations by Apple that pertain to the Government's Response and motion remain limited to five pages. Apple was required to set forth its analysis of any "substantive deficiencies in the proposed settlement" in its submission during the public comment period. In reviewing the Government's motion, the Court will consider Apple's nine page public comment as well as any submission it makes on August 15. IT IS FURTHER ORDERED that the Court will inform the parties after the motion is fully submitted whether either oral argument or a hearing on the motion would be of assistance to the Court. (Signed by Judge Denise L. Cote on 8/7/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(pl) (Entered: 08/07/2012)
08/13/2012	<u>95</u>	MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Bob Kohn. (Attachments: # <u>1</u> Exhibit Good Standing Certificate)(Brower, Steven) (Entered: 08/13/2012)
08/13/2012	<u>96</u>	MOTION to File Amicus Brief. Document filed by Bob Kohn.(Brower, Steven) Modified on 9/6/2012 (jfe). (Entered: 08/13/2012)
08/13/2012	<u>97</u>	MEMORANDUM OF LAW in Support re: <u>96</u> MOTION to File Amicus Brief.. Document filed by Bob Kohn. (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief)(Brower, Steven) (Entered: 08/13/2012)
08/13/2012		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>95</u> MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Missing Proposed Order. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a Proposed Order. (bcu) (Entered: 08/13/2012)
08/13/2012	<u>98</u>	AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (<i>With Proposed Order</i>). Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Bob Kohn. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Brower, Steven) (Entered: 08/13/2012)
08/13/2012		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>98</u> AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (<i>With Proposed Order</i>). Motion and supporting papers to be reviewed

		by Clerk's Office staff.AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (With Proposed Order). Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/13/2012)
08/15/2012	<u>99</u>	MEMORANDUM OF LAW in Opposition re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Apple, Inc.. (Parker, Richard) (Entered: 08/15/2012)
08/15/2012	<u>100</u>	MOTION to File Amicus Brief and Participate as Amicus Curiae. Document filed by The Authors Guild, Inc..(Levien, Jan) (Entered: 08/15/2012)
08/15/2012	<u>101</u>	MEMORANDUM OF LAW in Support re: <u>100</u> MOTION to File Amicus Brief and Participate as Amicus Curiae.. Document filed by The Authors Guild, Inc.. (Attachments: # <u>1</u> Exhibit Memorandum of [Proposed] Amicus Curiae the Authors Guild, Inc.)(Levien, Jan) (Entered: 08/15/2012)
08/15/2012	<u>102</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The Authors Guild, Inc..(Levien, Jan) (Entered: 08/15/2012)
08/15/2012	<u>103</u>	MEMORANDUM OF LAW in Opposition re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Penguin Group (USA), Inc., The Penguin Group. (McInnis, Daniel) (Entered: 08/15/2012)
08/15/2012	<u>104</u>	MEMORANDUM OF LAW in Opposition re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Holtzbrinck Publishers, LLC. (Mitnick, Joel) (Entered: 08/15/2012)
08/22/2012	<u>105</u>	REPLY MEMORANDUM OF LAW in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Unites States of America. (Fleming, Stephanie) (Entered: 08/22/2012)
08/22/2012	<u>106</u>	DECLARATION of Karry Lu in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Unites States of America. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Fleming, Stephanie) (Entered: 08/22/2012)
08/27/2012	<u>107</u>	MEMO ENDORSEMENT on re: <u>75</u> Motion to Withdraw as Attorney. Attorney David Joseph Carey terminated. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 8/27/2012) (jfe) (Entered: 08/28/2012)
08/28/2012	<u>108</u>	ORDER granting <u>96</u> Motion to File Amicus Brief; granting <u>100</u> Motion to File Amicus Brief. The August 13, 2012 and August 15, 2012 motions by Kohn and the Authors Guild for leave to file amicus curiae responses to DOJ's Tunney Act filings are granted. The Authors Guild's proposed response is accepted. Any amicus curiae response by Kohn must be submitted by September 4, 2012 and must not exceed five pages in length. (Signed by Judge Denise L. Cote on 8/28/2012) (jfe) Modified on 9/6/2012 (jfe). (Entered: 08/29/2012)
08/28/2012		Set/Reset Deadlines: Responses due by 9/4/2012 (jfe) (Entered: 08/29/2012)
08/28/2012	<u>109</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>98</u> Motion for Steven Brower to Appear Pro Hac Vice. (Signed by Judge Denise L. Cote on 8/28/2012) (jfe) (Entered: 08/29/2012)
09/04/2012	<u>110</u>	BRIEF re: <u>108</u> Order on Motion to File Amicus Brief,,, 5 PAGE VERSION AMICUS BRIEF of Bob Kohn. Document filed by Bob Kohn.(Brower, Steven) (Entered: 09/04/2012)
09/05/2012	<u>111</u>	SUPPLEMENTAL REPLY MEMORANDUM OF LAW in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Unites States of America. (Buterman, Lawrence) (Entered: 09/05/2012)
09/05/2012	<u>112</u>	Letter addressed to Judge Denise Cote from Simon Lipskar, President Writers House dated 8/10/2012 re: As you are likely aware, I sent a fairly extensive comment to the Department of Justice regarding the proposed settlement in the ebook pricing case. As the time draws near for you to render your judgment as to whether this settlement is in the public interest, I felt that it behooved me to write

		directly to you to express how profoundly the government had failed to address the objections raised to the settlement in its response to the Tunney Act comments. I apologize in advance for weighing down your desk with even more paper related to this highly contentious – but critically important– matter. (ama) (Entered: 09/05/2012)
09/05/2012	<u>113</u>	OPINION AND ORDER re: #102322 <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)–(h), filed by Unites States of America. Plaintiff the United States of America (the "Government") brings this civil antitrust action against defendants Apple, Inc. (Apple); Hachette Book Group, Inc. (Hachette); HarperCollins Publishers L.L.C. (HarperCollins); Verlagsgruppe Georg Von Holtzbrinck GMBH and Holtzbrinck Publishers, LLC d/b/a MacMillan (collectively, MacMillan); The Penguin Group, a division of Pearson PLC and Penguin Group (USA), Inc. (collectively, Penguin); and Simon &Schuster, Inc. (Simon &Schuster). The Government has moved for entry of a proposed Final Judgment with respect to defendants Hachette, HarperCollins, and Simon &Schuster (the Settling Defendants), pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (the APPA or Tunney Act). For the following reasons, the motion for entry of Final Judgment is granted. The Government's August 3, 2012 motion for entry of the proposed Final Judgment is granted. (Signed by Judge Denise L. Cote on 9/5/2012) (ja) Modified on 9/6/2012 (ad). Modified on 9/11/2012 (jab). (Entered: 09/06/2012)
09/05/2012		Transmission to Judgments and Orders Clerk. Transmitted re: <u>113</u> Opinion &Order, to the Judgments and Orders Clerk. (ja) (Entered: 09/06/2012)
09/06/2012	<u>118</u>	ORDER: It is hereby ORDERED that a telephone conference regarding the August 29 motion will be held on September 10, 2012 at 4:00 P.M. IT IS FURTHER ORDERED that any parties in the above-captioned actions who wish to appear at the September 10 telephone conference shall contact the offices of plaintiff states' liaison counsel, Rebecca Fisher, the State of Texas Attorney General's Office, P.O. Box 12548, Austin, TX 78711, 512-463-1265. (Telephone Conference set for 9/10/2012 at 04:00 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 9/6/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC, 1:12-cv-06625-DLC(jfe) (Entered: 09/07/2012)
09/06/2012	<u>119</u>	FINAL JUDGMENT as to Defendants Hachette Book Group, Inc., HarperCollins Publishers L.L.C., and Simon &Schuster, Inc. settling action as to them. (Signed by Judge Denise L. Cote on 9/6/12) (Attachments: # <u>1</u> NOTICE OF RIGHT TO APPEAL)(ml) (Entered: 09/07/2012)
09/06/2012	<u>123</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Daneil Ferrel McInnis dated 8/15/2012 re: Penguin requests that the Court file the enclosed Exhibit A under seal. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 9/6/2012) (jfe) (Entered: 09/12/2012)
09/06/2012		Transmission to Sealed Records Clerk. Transmitted re: <u>123</u> Endorsed Letter, to the Sealed Records Clerk for the sealing or unsealing of document or case. (jfe) (Entered: 09/12/2012)
09/07/2012	<u>114</u>	MOTION to Intervene <i>for Purposes of Appeal</i> . Document filed by Bob Kohn. (Attachments: # <u>1</u> Text of Proposed Order)(Brower, Steven) (Entered: 09/07/2012)
09/07/2012	<u>115</u>	MEMORANDUM OF LAW in Support re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> .. Document filed by Bob Kohn. (Brower, Steven) (Entered: 09/07/2012)
09/07/2012	<u>116</u>	MOTION to Stay re: <u>113</u> Memorandum &Opinion,,, <i>Pending Appeal</i> . Document filed by Bob Kohn. (Attachments: # <u>1</u> Text of Proposed Order)(Brower, Steven) (Entered: 09/07/2012)
09/07/2012	<u>117</u>	MEMORANDUM OF LAW in Support re: <u>116</u> MOTION to Stay re: <u>113</u> Memorandum &Opinion,,, <i>Pending Appeal</i> .. Document filed by Bob Kohn. (Brower, Steven) (Entered: 09/07/2012)

09/10/2012	120	SEALED DOCUMENT placed in vault.(mps) (Entered: 09/11/2012)
09/10/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 9/10/2012. (Court Reporter Rebecca Forman) Associated Cases: 1:11-md-02293-DLC et al.(gr) (Entered: 09/11/2012)
09/10/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 9/10/2012. (Court Reporter Rebecca Forman) (gr) (Entered: 09/11/2012)
09/10/2012	<u>121</u>	ORDER: Set Deadlines/Hearing as to <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> . Responses due by 9/17/2012, Replies, if any, due by 9/20/2012 and that at the time any reply is served, the moving party shall supply two courtesy copies of all motion papers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York. The motion to stay is denied. (Signed by Judge Denise L. Cote on 9/10/2012) (cd) (Entered: 09/11/2012)
09/12/2012	<u>122</u>	Letter addressed to Judge Denise Cote from Bob Kohn dated 9/12/2012 re: Last evening, I received a copy of your honor's Order dated September 10, 2012, regarding my motions to intervene for the sole purpose of appeal and to stay the Final Judgment. I am writing to respectfully request that you promptly take one of the following actions. Document filed by Bob Kohn.(ama) (Entered: 09/12/2012)
09/14/2012	<u>124</u>	Letter addressed to Judge Denise L. Cote from Mark W. Ryan dated 9/13/2012 re: Counsel writes to object to Apple's discovery request because it calls for the production of protected attorney work product. Document filed by Unites States of America.(ft) (Entered: 09/14/2012)
09/14/2012	<u>125</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Daniel S. Floyd dated 9/10/2012 re: Counsel for the defendant requests that the Court schedule a pre-motion conference. ENDORSEMENT: Denied. (Signed by Judge Denise L. Cote on 9/14/2012) (ft) (Entered: 09/14/2012)
09/14/2012	<u>126</u>	Letter addressed to Judge Denise L. Cote from Daniel Ferrel Mcinnis dated 9/13/2012 re: Counsel writes to follow up regarding Exhibit A to Penguin's Observations with Respect to the Government's Response to Public Comments and Motion For Entry of Final Judgment (DE 103). Document filed by Penguin Group (USA), Inc., The Penguin Group.(ft) (Entered: 09/14/2012)
09/17/2012	<u>127</u>	MEMORANDUM OF LAW in Opposition re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> .. Document filed by Unites States of America. (Fairchild, Stephen) (Entered: 09/17/2012)
09/17/2012	<u>128</u>	MEMORANDUM OF LAW in Opposition re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> .. Document filed by HarperCollins Publishers L.L.C.. (Goldfein, Shepard) (Entered: 09/17/2012)
09/18/2012	<u>129</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Andrew J. Frackman dated 9/17/2012 re: Counsel writes in response to Amazon's September 14 letter. We disagree with Amazon and believe the case authority shows that this Court, where the MDL is pending, has jurisdiction over discovery disputes. We enclose a courtesy copy of the notice we have filed in the Western District of Washington that sets forth the relevant case authority. ENDORSEMENT: This Court shall promptly address the discovery dispute in the event it is transferred from the Western District of Washington. (Signed by Judge Denise L. Cote on 9/18/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC (djc) (Entered: 09/18/2012)
09/20/2012	<u>130</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – REPLY MEMORANDUM OF LAW in Support re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> .. Document filed by Bob Kohn. (Brower, Steven) Modified on 9/21/2012 (db). (Entered: 09/20/2012)
09/20/2012	<u>131</u>	Letter addressed to Judge Denise L. Cote from Steve W. Berman dated 9/20/2012 re: Class Plaintiffs write in response to Penguin's letter of September 19, 2012. Penguin's request to delay class certification is unwarranted. Penguin made no effort to confer with Class Plaintiffs or the Litigating States before contacting the Co mi. Had Penguin done so, it may not have caused the Court to expend resources

		on this issue. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(jfe) (Entered: 09/21/2012)
09/21/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Steven Brower to RE-FILE Document <u>130</u> Reply Memorandum of Law in Support of Motion. ERROR(S): Rejected for non-conformance with Local Civil Rules 7.1(a)(2) and 11.1(b). (db) (Entered: 09/21/2012)
09/21/2012	<u>132</u>	AMENDED REPLY MEMORANDUM OF LAW in Support re: <u>114</u> MOTION to Intervene for Purposes of Appeal. (pursuant to clerk's notation requesting refile to comply with typeface rules). Document filed by Bob Kohn. (Brower, Steven) (Entered: 09/21/2012)
09/24/2012	<u>133</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>113</u> Memorandum & Opinion. (sj) (Entered: 09/25/2012)
09/25/2012	<u>134</u>	Letter addressed to Judge Denise L. Cote from Daniel Floyd dated 9/24/2012 re: Counsel writes to inform the Court that the DOJ's September 21, 2012 letter seeking an order that Apple not "delay" its document production fails to acknowledge the listed key facts establishing Apple's diligence. Document filed by Apple, Inc.(ft) (Entered: 09/25/2012)
09/25/2012	<u>135</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Mark W. Ryan dated 9/21/2012 re: Counsel requests that the Court order Apple to begin document production immediately and complete production by no later than October 19, 2012. ENDORSEMENT: The parties shall discuss any remaining objections that Apple has to the requested document production and the date by which Apple's document production shall be substantially complete. If any disputes remain unresolved after these discussions, a telephone conference will be held on October 4 at 10:00 am. (Telephone Conference set for 10/4/2012 at 10:00 AM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 9/25/2012) (ft) (Entered: 09/25/2012)
10/02/2012	<u>136</u>	MEMORANDUM OPINION AND ORDER: Bob Kohn's September 7, 2012 motion to intervene is denied. (Signed by Judge Denise L. Cote on 10/2/2012) (js) (Entered: 10/02/2012)
10/02/2012	<u>137</u>	NOTICE OF APPEAL from <u>136</u> Memorandum & Opinion. Document filed by Bob Kohn. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Attachments: # <u>1</u> Exhibit Order Denying Bob Kohn's Motion to Intervene)(Brower, Steven) (Entered: 10/02/2012)
10/03/2012		Appeal Fee Due: for <u>137</u> Notice of Appeal. Appeal fee due by 10/17/2012. (tp) (Entered: 10/03/2012)
10/03/2012		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>137</u> Notice of Appeal. (tp) (Entered: 10/03/2012)
10/03/2012		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>45</u> Order on Motion to Appear Pro Hac Vice, <u>115</u> Memorandum of Law in Support of Motion filed by Bob Kohn, <u>107</u> Order on Motion to Withdraw as Attorney, <u>55</u> Notice of Appearance filed by Unites States of America, <u>95</u> MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. Motion and supporting papers to be reviewed by Clerk's Office staff. filed by Bob Kohn, <u>118</u> Order, Set Hearings, <u>125</u> Endorsed Letter, <u>67</u> Letter, <u>96</u> MOTION to File Amicus Brief. filed by Bob Kohn, <u>43</u> Protective Order, <u>24</u> Notice of Appearance filed by Hachette Book Group, Inc., <u>129</u> Endorsed Letter, <u>4</u> Notice (Other), Notice (Other) filed by Unites States of America, <u>116</u> MOTION to Stay re: <u>113</u> Memorandum & Opinion, <i>Pending Appeal</i> filed by Bob Kohn, <u>51</u> Notice of Appearance filed by Holtzbrinck Publishers, LLC, <u>119</u> Judgment, <u>70</u> Letter, filed by Unites States of America, <u>97</u> Memorandum of Law in Support of Motion filed by Bob Kohn, <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes & Noble, Inc., <u>76</u> Status Report filed by Unites States of America, <u>13</u> Notice of Appearance filed by HarperCollins

Publishers L.L.C., 113 Memorandum & Opinion, 25 Rule 7.1 Corporate Disclosure Statement, filed by Hachette Book Group, Inc., 12 Notice of Appearance filed by HarperCollins Publishers L.L.C., 29 Notice of Appearance filed by Apple, Inc., 15 Rule 7.1 Corporate Disclosure Statement filed by HarperCollins Publishers L.L.C., 106 Declaration in Support of Motion filed by Unites States of America, 20 Notice of Appearance filed by Simon & Schuster, Inc., 19 Notice (Other), Notice (Other) filed by Simon & Schuster, Inc., 10 Rule 7.1 Corporate Disclosure Statement filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 132 Reply Memorandum of Law in Support of Motion filed by Bob Kohn, 62 Notice of Appearance filed by Unites States of America, 40 Order on Motion to Appear Pro Hac Vice, 82 Order on Motion to Appear Pro Hac Vice, 123 Endorsed Letter, 121 Order, Set Motion and RR Deadlines/Hearings, 8 Letter, filed by Unites States of America, 42 MOTION for Daniel S. Floyd, Daniel G. Swanson & Jagannathan P. Srinivasan to Appear Pro Hac Vice filed by Apple, Inc., 102 Rule 7.1 Corporate Disclosure Statement filed by The Authors Guild, Inc., 28 Order, 54 Answer to Complaint filed by Apple, Inc., 88 MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h) filed by Unites States of America, 134 Letter, filed by Apple, Inc., 2 Order Designating Case Complex Civil Case, 60 Endorsed Letter, 58 Answer to Complaint filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, 35 Notice of Appearance filed by Apple, Inc., 124 Letter, filed by Unites States of America, 56 Rule 7.1 Corporate Disclosure Statement filed by Penguin Group (USA), Inc., The Penguin Group, 3 Notice (Other) filed by Unites States of America, 127 Memorandum of Law in Opposition to Motion filed by Unites States of America, 7 Order, Set Deadlines/Hearings, 101 Memorandum of Law in Support of Motion, filed by The Authors Guild, Inc., 30 Rule 7.1 Corporate Disclosure Statement filed by Holtzbrinck Publishers, LLC, 105 Reply Memorandum of Law in Support of Motion filed by Unites States of America, 21 Notice of Appearance filed by Simon & Schuster, Inc., 84 Memorandum of Law in Support of Motion, filed by American Booksellers Association, Inc., Barnes & Noble, Inc., 41 Notice of Change of Address filed by Apple, Inc., 89 Declaration in Support of Motion, filed by Unites States of America, 39 MOTION for Richard Parker to Appear Pro Hac Vice. filed by Apple, Inc., 103 Memorandum of Law in Opposition to Motion filed by Penguin Group (USA), Inc., The Penguin Group, 87 Memorandum of Law in Support of Motion, filed by American Booksellers Association, Inc., Barnes & Noble, Inc., 126 Letter, filed by Penguin Group (USA), Inc., The Penguin Group, 37 Letter, filed by Shilpa Grover, 11 Notice of Appearance filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 81 Response filed by Unites States of America, 128 Memorandum of Law in Opposition to Motion filed by HarperCollins Publishers L.L.C., 22 Notice of Appearance filed by Simon & Schuster, Inc., 72 Order, 50 Notice of Appearance filed by Holtzbrinck Publishers, LLC, 47 Notice of Appearance filed by Penguin Group (USA), Inc., The Penguin Group, 38 Order Staying Case, 75 MOTION for DAVID J. CAREY to Withdraw as Attorney and [Proposed] Order filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 9 Notice of Appearance filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 110 Brief filed by Bob Kohn, 64 Status Report filed by Unites States of America, 57 Answer to Complaint filed by Penguin Group (USA), Inc., The Penguin Group, 99 Memorandum of Law in Opposition to Motion filed by Apple, Inc., 83 MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes & Noble, Inc., 79 Notice of Filing Transcript, 27 Case Management Plan, 90 Memorandum of Law in Support of Motion filed by Unites States of America, 49 Notice of Change of Address filed by Unites States of America, 80 Letter filed by Unites States of America, 44 Notice of Appearance filed by The State of Texas, 68 Letter, filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 61 Notice (Other), Notice (Other), Notice (Other) filed by Unites States of America, 111 Reply Memorandum of Law in Support of Motion filed by Unites States of America, 46 Notice of Appearance filed by Penguin Group (USA), Inc., The Penguin Group, 53 Notice of Appearance filed by Apple, Inc., 122 Letter, filed by Bob Kohn, 94 Order, 130 Reply Memorandum of Law in Support of Motion filed by Bob Kohn, 5 Notice (Other) filed by Unites States of America, 112 Letter, 77 Order, 86 Declaration in Support of Motion, filed by American Booksellers Association, Inc., Barnes

&Noble, Inc., 100 MOTION to File Amicus Brief *and Participate as Amicus Curiae* filed by The Authors Guild, Inc., 14 Notice of Appearance filed by HarperCollins Publishers L.L.C., 32 Rule 7.1 Corporate Disclosure Statement filed by Apple, Inc., 33 Letter, 117 Memorandum of Law in Support of Motion filed by Bob Kohn, 109 Order on Motion to Appear Pro Hac Vice, 31 Rule 7.1 Corporate Disclosure Statement filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, 52 Notice of Appearance filed by Apple, Inc., 26 Notice (Other) filed by Hachette Book Group, Inc., 93 Memorandum &Opinion, 131 Letter, 69 Letter, 71 Scheduling Order, 137 Notice of Appeal, filed by Bob Kohn, 78 Transcript, 65 Order on Motion to Appear Pro Hac Vice, 1 Complaint, filed by Unites States of America, 66 Letter, filed by Apple, Inc., 104 Memorandum of Law in Opposition to Motion filed by Holtzbrinck Publishers, LLC, 18 Notice of Appearance filed by Simon &Schuster, Inc., 16 Notice (Other) filed by HarperCollins Publishers L.L.C., 92 Rule 7.1 Corporate Disclosure Statement filed by Barnes &Noble, Inc., 136 Memorandum &Opinion, 74 Letter, filed by The State of Texas, 98 AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (*With Proposed Order*), **Motion and supporting papers to be reviewed by Clerk's Office staff.** AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (*With Proposed Order*), **Motion and supporting papers to be reviewed by Clerk's Office staff.** filed by Bob Kohn, 23 Notice of Appearance filed by Hachette Book Group, Inc., 133 Internet Citation, 91 Rule 7.1 Corporate Disclosure Statement filed by American Booksellers Association, Inc., 36 Letter, filed by HarperCollins Publishers L.L.C., 6 Notice of Case Assignment/Reassignment, 59 Answer to Complaint filed by Holtzbrinck Publishers, LLC, 108 Order on Motion to File Amicus Brief, 48 Notice of Appearance filed by Unites States of America, 135 Endorsed Letter, Set Hearings, 114 MOTION to Intervene *for Purposes of Appeal* filed by Bob Kohn, 34 Notice of Appearance filed by Apple, Inc. were transmitted to the U.S. Court of Appeals. (tp) (Entered: 10/03/2012)