

UNITED STATES DISTRICT COURT

for the

Northern District of California

Anthony Petru and Marcus Mathis, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff

v.

Apple Inc., Hachette Book Group, Inc., HarperCollins  
Publishers, Inc., Macmillan Publishers Inc., Penquin  
Group (USA) Inc., and Defendant Simon & Schuster, Inc.

Civil Action No. C11-03892

EDL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

See attached list.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeff D. Friedman (173886)  
Hagens Berman Sobol Shapiro LLP  
715 Hearst Ave., Suite 202  
Berkeley, CA 94710  
Tel.: (510) 725-3000; Fax : (510) 725-3001  
jefff@hbsslaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

KELLY COLLINS

Signature of Clerk or Deputy Clerk

Date: 08/09/2011

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**1. Apple Inc.**  
1 Infinite Loop  
Cupertino, CA 95014

**2. Hachette Book Group, Inc.**  
237 Park Ave.,  
New York, NY 10017

**3. HarperCollins Publishers, Inc.**  
10 East 53rd St.  
New York, NY 10022

**4. Macmillan Publishers Inc.**  
175 Fifth Avenue  
New York, NY 10010

**5. Penguin Group (USA) Inc.**  
375 Hudson Street  
New York, NY 10014

**6. Simon & Schuster, Inc.**  
1230 Avenue of the Americas  
New York, NY 10020