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11 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 ANTHONY PETRU and MARCUS MATHIS,
 Individually and on Behalf of All Others Similarly
 Situated,

15 Plaintiffs,

16 v.

17 APPLE INC.; HACHETTE BOOK GROUP, INC.;
 18 HARPERCOLLINS PUBLISHERS, INC.;
 MACMILLAN PUBLISHERS, INC.; PENGUIN
 19 GROUP (USA) INC.; and SIMON & SCHUSTER,
 INC.,

20 Defendants.

21 PATSY DIAMOND, Individually and on Behalf of
 22 All Others Similarly Situated,

23 Plaintiff,

24 v.

25 APPLE INC.; HACHETTE BOOK GROUP, INC.;
 HARPERCOLLINS PUBLISHERS, INC.;
 26 MACMILLAN PUBLISHERS, INC; PENGUIN
 GROUP (USA) INC.; and SIMON & SCHUSTER,
 INC.,

27 Defendants.

No. 3:11-cv-03892 EMC

CLASS ACTION

No. 3:11-CV-03954-NC

**DECLARATION OF MICHAEL F.
 RAM IN SUPPORT OF
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED [L.R. 3-12]**

1 I, Michael F. Ram, declare as follows:

2 1. I am a member in good standing of the California State Bar and an attorney at the law
3 firm of Ram, Olson, Cereghino & Kopczynski LLP, counsel of record for Plaintiff in *Patsy Diamond*
4 *v. Apple, Inc. et al.*, Case No. 3:11-CV-03954-NC (“*Diamond*”). I make this declaration based on
5 my personal knowledge, and if called to testify to the contents, I could and would competently do so.

6 2. Attached as Exhibit A is a true and correct copy of the class action complaint filed on
7 August 9, 2011 in *Petru et al. v. Apple, Inc. et al.* Case No. 3:11-CV-03892 EMC, and assigned to
8 the Honorable Edward M. Chen.

9 3. Attached as Exhibit B is a true and accurate copy of the class action complaint filed
10 on August 11, 2011 in *Diamond v. Apple, Inc. et al.*, Case No. 3:11-CV-03954-NC.

11 4. Defendants that have been sued in *Diamond* have yet to appear in the action. Local
12 Rule 3-12 requires an Administrative Motion to Consider Whether Cases Should Be Related to be
13 filed promptly. Therefore, a stipulation could not be entered prior to the filing of Plaintiffs’
14 Administrative Motion.

15 I declare under penalty of perjury that the foregoing facts are true and correct and that this
16 declaration was executed on this 19th day of August, 2011 in San Francisco, California.

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18
19 /s/ Michael F. Ram

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