

1 Betsy C. Manifold (182450)
 2 Rachele R. Byrd (190634)
WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
 3 750 B Street, Suite 1820
 San Diego, CA 92101
 4 Telephone: 619/239-4599
 Facsimile: 619/234-4599
 5 manifold@whafh.com
 byrd@whafh.com

6 MARK C. RIFKIN (*pro hac vice*)
 7 MATTHEW M. GUINEY (*pro hac vice*)
 THOMAS H. BURT (*pro hac vice*)
 8 **WOLF HALDENSTEIN ADLER**
FREEMAN & HERZ LLP
 9 270 Madison Ave
 New York, NY 10016
 10 Telephone: (212) 545-4600
 Facsimile: (212) 686-0114
 11 rifkin@whafh.com
 guiney@whafh.com
 12 burt@whafh.com

13 *Interim Class Counsel for Plaintiffs*

14 [Additional Counsel Appear on Signature Page]

15
 16
 17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 OAKLAND DIVISION

20 IN RE APPLE IPHONE ANTITRUST
 21 LITIGATION

No. 4:11-cv-06714-YGR

STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING BRIEFING
SCHEDULE ON DEFENDANT'S
DAUBERT MOTION

Hon. Yvonne Gonzalez Rogers

28 STIPULATION AND ~~PROPOSED~~ ORDER MODIFYING BRIEFING SCHEDULE ON
 DEFENDANT'S DAUBERT MOTION
 Case No. 11-cv-06714-YGR

1 Plaintiffs Robert Pepper, Stephen H. Schwartz, Edward W. Hayter, and Edward Lawrence
2 (collectively, “Plaintiffs”) and Defendant Apple Inc. (“Apple”) (collectively, the “Parties”), by and
3 through their respective counsel, hereby agree as follows:

4 WHEREAS, on September 26, 2022, Plaintiffs filed a Renewed Motion for Class
5 Certification (ECF No. 665, 683);

6 WHEREAS, the hearing on Plaintiffs’ Renewed Motion for Class Certification is currently
7 set for June 23, 2023;

8 WHEREAS, on March 10, 2023, Apple filed its Opposition to Plaintiffs’ Renewed Motion
9 for Class Certification (ECF No. 689) and a *Daubert* Motion to Exclude the Testimony of
10 Professor Daniel L. McFadden and Dr. Rosa Abrantes-Metz (ECF No. 310) (the “*Daubert*
11 Motion”);

12 WHEREAS, the *Daubert* Motion is thirty (30) pages as permitted by this Court’s Order
13 Regarding Briefing Limits for Apple’s *Daubert* Motion (ECF No. 686), is also noticed for hearing
14 on June 23, 2023, and cites to six (6) of the seven (7) expert reports filed by Apple concurrently
15 with its *Daubert* Motion and its opposition to Plaintiffs’ renewed class certification motion;

16 WHEREAS, Plaintiffs believe that they need to take depositions of Apple’s experts in order
17 to adequately address Apple’s arguments in its *Daubert* Motion;

18 WHEREAS, the Parties have met and conferred and agree that, given the number and
19 complexity of the issues implicated in the *Daubert* Motion, the Parties require additional time for
20 opposition and reply than that provided for by the Civil Local Rules;

21 WHEREAS, the hearing on the *Daubert* Motion is noticed for June 23, 2023, to be heard
22 concurrently with Plaintiffs’ Renewed Motion for Class Certification and, therefore, an extension
23 of the opposition and reply deadlines on the *Daubert* Motion will not impact the hearing date;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the Parties,
25 through their respective counsel and subject to the approval of the Court, to the entry of an Order
26 modifying the schedule as follows:

27
28 STIPULATION AND [~~PROPOSED~~] ORDER MODIFYING BRIEFING SCHEDULE ON
DEFENDANT’S *DAUBERT* MOTION
Case No. 11-cv-06714-YGR

- 1 1. Plaintiffs' Opposition to Apple's *Daubert* Motion shall be due on April 21, 2023; and
2 2. Apple's reply in further support of its *Daubert* Motion shall be due on May 19, 2023.

3
4 DATED: March 23, 2023

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

5 By: /s/ Rachele R. Byrd
6 RACHELE R. BYRD

7 BETSY C. MANIFOLD (182450)
8 RACHELE R. BYRD (190634)
9 750 B Street, Suite 1820
10 San Diego, CA 92101
11 Telephone: 619/239-4599
12 Facsimile: 619/234-4599

13 MARK C. RIFKIN (*pro hac vice*)
14 MATTHEW M. GUINEY (*pro hac vice*)
15 THOMAS H. BURT (*pro hac vice*)
16 **WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**
17 270 Madison Avenue
18 New York, New York 10016
19 Telephone: 212/545-4600
20 Facsimile: 212/545-4677

Interim Class Counsel for Plaintiffs

21 DAVID C. FREDERICK (*pro hac vice*)
22 AARON M. PANNER (*pro hac vice*)
23 **KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.**
24 1615 M Street, N.W., Suite 400
25 Washington, D.C. 20036
26 Telephone: (202) 326-7900
27 Facsimile: (202) 326-7999
28 dfrederick@kellogghansen.com
apanner@kellogghansen.com

Counsel for Plaintiffs

24 DATED: March 23, 2023

GIBSON, DUNN & CRUTCHER LLP

25 By: /s/ Cynthia E. Richman
26 CYNTHIA E. RICHMAN

27 Cynthia E. Richman (*pro hac vice*)
28 crichman@gibsondunn.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Harry R. S. Phillips
Hphillips2@gibsondunn.com
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8234
Facsimile: 202.530.9691

Theodore J. Boutrous Jr. (132099)
tboutrous@gibsondunn.com
Richard J. Doren (124666)
rdoren@gibsondunn.com
Daniel G. Swanson (116556)
dswanson@gibsondunn.com
Jay P. Srinivasan (181471)
jsrinivasan@gibsondunn.com
Dana Lynn Craig
dcraig@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Veronica S. Lewis (*pro hac vice*)
vlewis@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900


Ethan D. Dettmer (196046)
edettmer@gibsondunn.com
Rachel S. Brass (219301)
rbrass@gibsondunn.com
Caeli A. Higney (268644)
chigney@gibsondunn.com
Eli M. Lazarus (284082)
elazarus@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant Apple Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 4/3/2023



THE HONORABLE YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION OF CONCURRENCE

In accordance with Civil Local Rule 5-1(h)(3), the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

DATED: March 23, 2023

/s/ Rachele R. Byrd
RACHELE R. BYRD

29291