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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NO. C 05-00037 JW
C 06-04457 JW

The Apple iPod iTunes Antitrust Litigation

ORDER RE: PLAINTIFFS' MOTION FOR ADMINISTRATIVE RELIEF

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Presently before the Court is Plaintiffs' Motion for Administrative Relief. (hereafter, "Motion," Docket Item No. 119.) Plaintiffs contend that the Court should not extend the discovery bifurcation order previously entered in Charoensak, et al. v. Apple Computer, Inc., No. C 05-00037 JW to the present consolidated action. (Motion at 2.) Defendant opposes Plaintiffs' motion, contending, *inter alia*, that (1) Plaintiffs have sought overbroad discovery and (2) Defendant has produced, or agreed to produce, all documents material to class certification. (See Apple, Inc.'s Opposition to Plaintiffs' Motion for Administrative Relief, Docket Item No. 123.)

The Court has not yet formally addressed whether discovery should be limited prior to class certification in this consolidated action. Having considered the parties' filings, the Court orders the parties to limit their discovery to the following issues at this time: (1) class certification issues; (2) the preliminary issues of Defendant's organizational structure and document retention policies; (3)

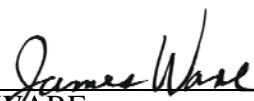
United States District Court
For the Northern District of California

1 Plaintiffs' iPods and computer hard drives; and (4) the production of documents whose production
2 would impose only a *de minimis* burden on either party.¹

3 This discovery limitation is effective through the next case management conference, which
4 will be held after Defendant files and serves its opposition to Plaintiffs' anticipated motion for class
5 certification. At that time, the Court will consider whether the discovery limitation should be
6 continued and whether additional discovery should occur before Plaintiffs file their reply in support
7 of motion for class certification.

8 The Court refers any further discovery disputes to Magistrate Judge Trumbull.

9
10 Dated: July 20, 2007



JAMES WARE
United States District Judge

United States District Court
For the Northern District of California

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26 ¹ These documents may include documents already produced by Defendant in European
27 litigation, government investigations involving similar claims against Defendant, and documents and
deposition transcripts produced by Defendant as a third-party litigant in the In re Napster, Inc.
Copyright Litigation, No. MDL-00-1369 (MHP) (N.D. Cal.).

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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14 **Dated: July 20, 2007**

Richard W. Wieking, Clerk

15 **By: /s/ JW Chambers**
16 **Elizabeth Garcia**
17 **Courtroom Deputy**

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