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6 Attorneys for Defendant
 APPLE INC.

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 **THE APPLE IPOD iTUNES ANTI-
 TRUST LITIGATION**

Case No. C 05 00037 JW

CLASS ACTION

**STIPULATION REGARDING
 PRIVILEGED INFORMATION**

18 WHEREAS, plaintiffs seek the production of document retention notices distributed by
 19 Apple's legal counsel to Apple employees in connection with this litigation and to take a Rule
 20 30(b)(6) deposition of Apple regarding Apple's document retention policies;

21 WHEREAS, Apple maintains that these document retention notices contain information
 22 that is protected by the attorney-client privilege and/or the attorney work product doctrine; and

23 WHEREAS, Apple and plaintiffs have reached a compromise regarding this requested
 24 discovery, with respect to which Apple will not be deemed to have waived any privilege or work
 25 product or other protection;

26 IT IS THEREFORE STIPULATED that:

- 27 1. Apple will disclose to plaintiffs' counsel the subject matters listed in the document
 28 retention notices distributed in connection with this litigation and the dates on which such notices

1 were distributed. The parties agree that this disclosure is not intended, and shall not be construed
2 to waive the attorney-client privilege, the attorney work product doctrine, or any other privilege
3 or protection in this or any other litigation.

4 2. Apple intends this disclosure to take the place of a deposition of Apple on topics 7
5 and 8 in plaintiff Tucker's First Notice of Rule 30(b)(6) Deposition. Should plaintiffs seek to
6 depose Apple on these topics after reviewing the information produced by Apple, Apple reserves
7 its right to continue to object to the requested discovery.

8 It is hereby STIPULATED:

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10 Dated: December 18, 2007

COUGHLIN STOIA GELLER RUDMAN &
ROBBINS LLP

11
12 By: Steph Winters for Bonny Sweeney
13 Bonny E. Sweeney

14 Co-lead Counsel for Plaintiffs

15 Dated: December 20, 2007

JONES DAY

16
17 By: J. Strey for Robert M. Mittelstaedt
18 Robert A. Mittelstaedt

19 Counsel for Defendant
20 APPLE INC.