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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE APPLE IPOD ITUNES ANTI-TRUST  
LITIGATION

CASE NO. C 05-00037-JW  
STIPULATION REGARDING PLAINTIFF  
STACIE SOMERS' ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
CASES SHOULD BE RELATED

This Document Relates To:

[Civ. LR 3-12]  
The Honorable Judge James Ware

*STACIE SOMERS V. APPLE, INC.*,  
Case No. 5:07-cv-060507-HRL

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED  
Case No. 5:07-cv-060507-HRL

1 WHEREAS, Plaintiff Thomas William Slattery filed suit against Apple Computer, Inc.  
2 (“Apple”), in the District Court of the Northern District of California. *Slattery v. Apple*  
3 *Computer, Inc.*, No. C 05-00037-JW (N.D. Cal. Filed Jan. 3, 2005)(“the *Slattery* action”);

4 WHEREAS, Plaintiff Melanie Tucker filed suit against Apple in the District Court of the  
5 Northern District of California. *Tucker v. Apple Computer, Inc.*, No. 5:06-cv-04457-JW (N.D.  
6 Cal. Filed July 21, 2006)(“the *Tucker* action”);

7  
8 WHEREAS, the *Slattery* and *Tucker* cases were consolidated on March 21, 2007 and are  
9 now titled “*The Apple iPod iTunes Anti-Trust Litigation*,” Case No. C 05-00037 JW;

10 WHEREAS, Plaintiff Stacie Somers filed suit against Apple in the District Court of the  
11 Northern District of California. *Somers v. Apple, Inc.*, No. 5:07-cv-060507-HRL (N.D. Cal.  
12 Filed December 31, 2007) (“the *Somers* action”); and

13  
14 WHEREAS, Northern District of California Civil L.R. 3-12 provides that an action is  
15 related to another when they “concern substantially the same parties, property, transaction or  
16 event; and [i]t appears likely that there will be an unduly burdensome duplication of labor and  
17 expense or conflicting results if the cases are conducted before different Judges;”

18 IT IS HEREBY STIPULATED, by and between the undersigned, subject to the approval  
19 of the Court, that the *Somers* and *Apple iPod iTunes Anti-Trust Litigation* actions are related as  
20 defined by Northern District of California Civil L.R. 3-12.  
21

22 DATED: January 29, 2008

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1 DATED: January 29, 2008

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12 DATED: January \_\_, 2008

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 29, 2008, I electronically filed the foregoing with the Clerk  
3 of the Court using the CM/ECF system which will send notification of such filing to the e-mail  
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have  
5 caused the foregoing document or paper to be mailed via the United States Postal Service to the non-  
6 CM/ECF participants indicated on the attached Manual Notice List and Service List.

7 s/ HELEN I. ZELDES

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# Mailing Information for a Case 5:05-cv-00037-JW

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## Manual Notice List

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## **Mailing Information for a Case 5:07-cv-060507-HRL**

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- No manual recipients