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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST ) Lead Case No. C-05-00037-JW(RS)  
LITIGATION )  
\_\_\_\_\_ ) CLASS ACTION

This Document Relates To: ) [PROPOSED] ORDER APPOINTING  
ALL ACTIONS. ) COUGHLIN STOIA GELLER RUDMAN &  
\_\_\_\_\_ ) ROBBINS LLP AND THE KATRIEL LAW  
FIRM AS CO-LEAD CLASS COUNSEL

JUDGE: Hon. James Ware  
DATE: November 10, 2008  
TIME: 9:00 a.m.  
CTRM: 8-4th Floor

1 Pursuant to Fed. R. Civ. P. 23(g), plaintiffs Melanie Tucker, Mariana Rosen, and Somtai  
2 Troy Charoensak move this Court for an appointment of Coughlin Stoia Geller Rudman & Robbins  
3 LLP (“Coughlin Stoia”) and The Katriel Law Firm as co-lead class counsel. After considering the  
4 materials submitted, the arguments of counsel, and the record in this case, the Court finds:

5 1. Coughlin Stoia and The Katriel Law Firm will fairly and adequately represent the  
6 interests of the proposed class (the “Class”) within the meaning of Fed. R. Civ. P. 23(g)(1)(B);

7 2. Coughlin Stoia and The Katriel Law Firm have investigated the facts and legal  
8 theories on behalf of its clients and the Class; and

9 3. Coughlin Stoia and The Katriel Law Firm have the experience in complex litigation,  
10 knowledge of antitrust law, and financial resources necessary to represent the Class.

11 FOR GOOD CAUSE SHOWN, it is ordered that the motion to appoint Coughlin Stoia and  
12 The Katriel Law Firm as class counsel shall, in its discretion:

13 1. Direct the prosecution of this litigation and coordinate the work of all plaintiffs’  
14 counsel in a manner that assures that the litigation is prosecuted effectively and efficiently;

15 2. Be responsible for all briefing and oral argument, and present the position of plaintiffs  
16 and the Class (either personally or by designee) to the Court and opposing parties with respect to all  
17 matters arising during pretrial and trial proceedings;

18 3. Act as or designate spokespersons for the Class at pretrial conferences and hearings;

19 4. Coordinate and conduct discovery, pretrial proceedings and trial;

20 5. Try the case on behalf of plaintiffs and the Class;

21 6. Conduct and consummate settlement negotiations on behalf of plaintiffs and the Class  
22 (as appropriate);

23 7. Perform such other duties as may be incidental to proper coordination of pretrial and  
24 trial activities or as authorized or required by further Order of the Court; and

25 8. Distribute all notices, orders and decisions of the Court to all plaintiffs’ counsel to the  
26 extent not communicated directly by the Court.

1 This Order does not limit the right of other plaintiffs' counsel to be heard on matters not  
2 susceptible to joint or common action, or when genuine and substantial divergence of opinion exists  
3 among plaintiffs' counsel, provided class counsel is first apprised of such matters.

4 \* \* \*

5 **ORDER**

6 IT IS SO ORDERED.

7 DATED: \_\_\_\_\_ THE HONORABLE JAMES WARE  
8 UNITED STATES DISTRICT JUDGE

9 Submitted by:

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Additional Counsel for Plaintiffs

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on July 21, 2008, I electronically filed the foregoing with the Clerk of  
3 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 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF  
6 participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on July 21, 2008.

9 s/ BONNY E. SWEENEY  
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