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17 [Additional counsel appear on signature page.]

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

21	THE APPLE IPOD ITUNES ANTI-TRUST)	Lead Case No. C-05-00037-JW(RS)
22	LITIGATION)	
23	_____)	<u>CLASS ACTION</u>
24	This Document Relates To:)	STIPULATION MODIFYING CLASS
25	ALL ACTIONS.)	CERTIFICATION BRIEFING SCHEDULE
26	_____)	Case No. C 07-6507 JW
27	STACIE SOMERS, On Behalf Of Herself And)	<u>CLASS ACTION</u>
28	All Others Similarly Situated,)	
29	Plaintiff,)	
30	vs.)	
31	APPLE, INC., a California corporation,)	
32	Defendant.)	
33	_____)	

1 WHEREAS, the parties in *The Apple iPod iTunes Anti-Trust Litigation*, No. C-05-00037-JW
2 (“Direct Case”), and *Somers v. Apple, Inc.*, No. C-07-6507-JW (“Indirect Case”), entered into good
3 faith mediation discussions on July 21, 2008 with JAMS mediators the Honorable Daniel Weinstein
4 (Ret.) and Cathy Yanni, Esq.;

5 WHEREAS, at the close of mediation, the parties agreed to exchange additional discovery
6 and continue informal mediation discussions. At the request of Judge Weinstein and Cathy Yanni,
7 the Court agreed to a two week extension to the class certification briefing schedules;

8 WHEREAS, the parties have exchanged additional discovery as a result of mediation and
9 continue to engage in mediation discussions. The parties and mediators request an additional
10 extension in the class certification briefing and related hearing schedules to allow the parties
11 adequate time to continue discussions towards informal resolution;

12 WHEREAS, the parties have conferred and agreed to a short extension for the class
13 certification briefing and related hearing schedules;

14 WHEREAS, under the current pretrial schedule ordered by the Court on June 4, 2008, in the
15 Direct Case Plaintiffs filed their Motion for Class Certification on July 21, 2008, Defendant is
16 required to file its opposition by September 19, 2008, Plaintiffs are required to file their reply brief
17 on or before October 17, 2008, and the Court shall hold a hearing on Plaintiffs’ Motion for Class
18 Certification on November 10, 2008 at 9 a.m. Additionally, the Court is to hold a joint interim case
19 management conference on August 25, 2008; and

20 WHEREAS, under the current pretrial schedule ordered by the Court on June 4, 2008, in the
21 Indirect Case, Plaintiff is required to file her Motion for Class Certification on November 3, 2008,
22 Defendant is required to file its opposition by January 15, 2009, Plaintiff is required to file her reply
23 brief on or before March 2, 2009, and the Court shall hold a hearing on Plaintiff’s Motion for Class
24 Certification on March 23, 2009 at 9 a.m. Additionally, the Court is to hold a joint interim case
25 management conference on August 25, 2008.

26 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
27 parties, through their undersigned counsel, that good cause exists to modify the class certification
28 schedules as follows:

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A. Direct Case

1. The Court shall hold an interim case management conference on September 22, 2008, or a date convenient for the Court.

2. Defendant shall file its opposition to class certification on or before October 17, 2008.

3. Plaintiffs shall file their reply brief to Defendant’s opposition on or before November 17, 2008.

4. The Court shall hold a hearing on Plaintiffs’ Motion for Class Certification on December 8, 2008 at 9 a.m., or a date convenient for the Court.

B. Indirect Case

1. The Court shall hold an interim case management conference on September 22, 2008, or a date convenient for the Court.

2. Plaintiff shall file her Motion for Class Certification on or before December 1, 2008.

3. Defendant shall file its opposition on or before February 12, 2009.

4. Plaintiff shall file her reply brief to Defendant’s opposition on or before March 30, 2009.

5. The Court shall hold a hearing on Plaintiff’s Motion for Class Certification on April 20, 2009, at 9 a.m., or a date convenient for the Court.

IT IS SO STIPULATED.

DATED: August 20, 2008

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10 DATED: August 20, 2008

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on August 20, 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 August 20, 2008.

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

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