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16 Co-Lead Counsel for Plaintiffs

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:)	DECLARATION OF BONNY E. SWEENEY
25 ALL ACTIONS.)	IN SUPPORT OF PLAINTIFFS'
26 _____)	OPPOSITION TO DEFENDANT'S MOTION
	FOR JUDGMENT ON THE PLEADINGS AS
	TO PLAINTIFFS' TYING CLAIMS

27 JUDGE: Hon. James Ware
 28 DATE: March 23, 2009
 TIME: 9:00 a.m.
 CTRM: 8-4th Floor

1 I, Bonny E. Sweeney, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California and am a member of the law firm of Coughlin Stoia Geller Rudman & Robbins LLP. I
4 have personal knowledge of the matters stated herein, and, if called upon, I could and would
5 competently testify thereto.

6 2. I am Co-Lead Counsel on behalf of Melanie Tucker, Mariana Rosen, and Somtai
7 Troy Charoensak (collectively, "Plaintiffs") in the above-entitled action.

8 3. I submit this declaration in support of Plaintiffs' Opposition to Defendant's Motion
9 for Judgment on the Pleadings as to Plaintiffs' Tying Claims.

10 4. Attached are true and correct copies of the following exhibits:

11 Exhibit 1: Relevant Excerpts from the Deposition of Melanie Tucker, taken October 26,
12 2007; and

13 Exhibit 2: Relevant Excerpts from the Deposition of Mariana Rosen, taken January 24,
14 2007.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct. Executed this 2nd day of March, 2009, at San Diego, California.

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s/ Bonny E. Sweeney

BONNY E. SWEENEY

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on March 2, 2009, 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 March 2, 2009.

9 s/ Bonny E. Sweeney
BONNY E. SWEENEY

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Manual Notice List

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