

1 ZELDES & HAEGGQUIST, LLP
 HELEN I. ZELDES (220051)
 2 ALREEN HAEGGQUIST (221858)
 625 Broadway, Suite 906
 3 San Diego, CA 92101
 Telephone: 619/342-8000
 4 619/342-7878 (fax)
 helenz@zhlaw.com
 5 alreenh@zhlaw.com

6 MEHRI & SKALET, PLLC
 STEVEN A. SKALET
 7 CRAIG L. BRISKIN
 1250 Connecticut Ave. NW, Suite 300
 Washington, DC 20036
 9 Telephone: 202/822-5100
 202/822-4997 (fax)
 10 sskalet@findjustice.com
 cbriskin@findjustice.com
 11

12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 THE APPLE IPOD ITUNES ANTI-TRUST)	Case No. C 07-6507 JW
17 LITIGATION)	
_____)	<u>CLASS ACTION</u>
18 This Document Relates To:)	
19 <i>Somers v. Apple, Inc.</i> , Case No. C 07-6507 JW)	DECLARATION OF HELEN ZELDES IN
20 _____)	SUPPORT OF ADMINISTRATIVE
	MOTION RE: SEALING ORDER (CIVIL
	L.R. 79-5)

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1 I, HELEN ZELDES, declare as follows:

2 1. I am an attorney duly licensed to practice before this court. I am a partner
3 with the law firm of Zeldes & Haeggquist, LLP, one of the lead counsel for Plaintiff in this
4 action. I have personal knowledge of the matters stated herein and, if called upon, I could
5 and would competently testify thereto.

6 2. I make this declaration in support of Plaintiff's Administrative Motion to File
7 Under Seal portions of Plaintiff's: Reply Memorandum in Support of Motion for Class
8 Certification and Appointment of Lead Counsel ("Plaintiff's Reply"); and Exhibits 2 and 4 to
9 the Declaration of Helen Zeldes in Support of Reply Memorandum in Support of Motion for
10 Class Certification and Appointment of Class Counsel ("Zeldes Declaration"), pursuant to
11 Local Rules 7-11 and 79-5(d) and the Stipulation and Protective Order Regarding
12 Confidential Information ("Protective Order") entered March 14, 2008 (Document No. 18).

13 3. The parties entered into the Protective Order, which was signed by the Court
14 on March 14, 2008. Under the Protective Order, the parties may designate certain Discovery
15 Materials, which includes documents produced pursuant to Rule 34 of the Federal Rules of
16 Civil Procedure and interrogatory responses, they deem to be entitled to protection under
17 Rule 26(c) of the Federal Rules of Civil Procedure as "Confidential" and restrict their
18 dissemination and disclosure.

19 4. Defendant has designated the documents it produced pursuant to Rule 34 of
20 the Federal Rules of Civil Procedure and its interrogatory responses as "Confidential" under
21 the Protective Order. These documents and interrogatory responses are discussed in
22 Plaintiff's Reply brief and Exhibits 2 (a copy of one of Apple's Digital Music Download
23 Agreements) and 4 (the Reply Affidavit of Plaintiff's economist, Gary I. French, Ph.D.) of
24 the Zeldes Declaration. The confidential portions of these documents have been redacted to
25 allow public access to the redacted Plaintiff's Reply brief and Zeldes Declaration.

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1 Plaintiff's Reply brief and the Zeldes Declaration are both stamped "REDACTED."

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct.

4 Executed this 19th day of May, 2009, at San Diego, California.

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7 /s/ Helen Zeldes

HELEN ZELDES

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CERTIFICATE OF SERVICE

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I hereby certify that on May 19, 2009, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List and Service List: DECLARATION OF HELEN ZELDES IN SUPPORT OF ADMINISTRATIVE MOTION RE SEALING ORDER (CIVIL L.R. 79-5)

/s/ Alreen Haeggquist
ALREEN HAEGGQUIST

ZELDES & HAEGGQUIST, LLP
ALREEN HAEGGQUIST (221858)
625 Broadway, Suite 906
San Diego, CA 92101
Telephone: 619/342-8000
619/342-7878 (fax)
alreenh@zhlaw.com

Mailing Information for Case C 07-06507

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Craig L. Briskin**
cbriskin@findjustice.com, Pleadings@findjustice.com
- **Alreen Haeggquist**
alreenh@zhlaw.com
- **Robert Allan Mittelstaedt**
ramittelstaedt@jonesday.com, ybennett@jonesday.com
- **Tracy Strong**
tstrong@jonesday.com, dharmon@jonesday.com
- **Elaine Wallace**
rchavez@jonesday.com, ewallace@jonesday.com, klok@jonesday.com
- **Helen I. Zeldes**
helenz@zhlaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing).

Steven A Skalet
Mehri & Skalet, PLLC
1250 Connecticut Avenue NW, Suite 300
Washington, DC 20036

1 **Manual Notice List**

2 The following is the list of attorneys who are not on the list to receive e-mail notices for this
3 case (who therefore require manual noticing). You may wish to use your mouse to select and
4 copy this list into your word processing program in order to create notices or labels for these
5 recipients.

6 Todd David Carpenter
7 Bonnett, Fairbourn, Friedman, & Balint
8 2901 N. Central Avenue
9 Suite 1000
10 Phoenix, AZ 85012

11 Elaine A. Ryan
12 Bonnett Fairbourn Friedman & Balint, P.C
13 2901 N. Central Avenue
14 Suite 1000
15 Phoenix, AZ 85012