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20 Co-Lead Counsel for Plaintiffs

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22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA
 24 SAN JOSE DIVISION

25 THE APPLE IPOD ITUNES ANTI-TRUST) 26 LITIGATION) 27 _____) 28 This Document Relates To:) ALL ACTIONS.) _____)	Lead Case No. C-05-00037-JW(RS) <u>CLASS ACTION</u> DECLARATION OF THOMAS R. MERRICK IN SUPPORT OF PLAINTIFFS' MOTION TO FILE UNDER SEAL THE DECLARATION OF THOMAS R. MERRICK IN SUPPORT OF DIRECT PURCHASE PLAINTIFFS' MEMORANDUM IN RESPONSE TO COURT'S JULY 17, 2009 ORDER AS TO INJUNCTIVE RELIEF SOUGHT PURSUANT TO LOCAL RULE 79-5(c)
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Judge: Hon. James Ware
 Date: October 5, 2009
 Time: 9:00 a.m.
 Ctrm: 8 – 4th Floor

1 I, Thomas R. Merrick, hereby declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California. I am associated with the law firm of Coughlin Stoia Geller Rudman & Robbins LLP,
4 Co-Lead Class Counsel of record for Plaintiffs Melanie Tucker, Mariana Rosen, and Somtai Troy
5 Charoensak in this action. I have personal knowledge of the matters stated herein, and, if called
6 upon, I could and would competently testify thereto.

7 2. I submit this declaration in support of Plaintiffs' Administrative Motion to File Under
8 Seal the Declaration of Thomas R. Merrick in Support of Direct Purchaser Plaintiffs' Memorandum
9 in Response to Court's July 17, 2009 Order as to Injunctive Relief Sought Pursuant to Local Rule
10 79-5(c).

11 3. The requested relief is necessary and narrowly tailored to protect the confidentiality
12 of Apple's commercially sensitive business information, including undisclosed customer complaints.
13 The confidential information has been redacted from the Declaration of Thomas R. Merrick in
14 Support of Direct Purchaser Plaintiffs' Memorandum in Response to Court's July 17, 2009 Order as
15 to Injunctive Relief Sought ("Declaration") to allow public access to the redacted Declaration and
16 the redacted Declaration is marked "REDACTED."

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct. Executed this 31st day of August, 2009, at San Diego, California.

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20

s/ Thomas R. Merrick

THOMAS R. MERRICK

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28 DECLARATION OF THOMAS R. MERRICK IN SUPPORT OF PLAINTIFFS' MOTION TO FILE
UNDER SEAL THE DECLARATION OF THOMAS R. MERRICK IN SUPPORT OF DIRECT
PURCHASE PLAINTIFFS' MEMORANDUM IN RESPONSE TO COURT'S JULY 17, 2009 ORDER
AS TO INJUNCTIVE RELIEF SOUGHT PURSUANT TO LOCAL RULE 79-5(c) - C-05-00037-
JW(RS)

1 CERTIFICATE OF SERVICE

2 I hereby certify that on August 31, 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 August 31, 2009.

9
10 s/ Thomas R. Merrick
THOMAS R. MERRICK

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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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