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11 Co-Lead Counsel for Plaintiffs

12 [Additional counsel appear on signature page.]

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

16 THE APPLE IPOD ITUNES ANTI-TRUST )	Lead Case No. C-05-00037-JW(RS)
17 LITIGATION )	
_____ )	<u>CLASS ACTION</u>
18 This Document Relates To: )	
19 ALL ACTIONS. )	DECLARATION OF THOMAS R.
_____ )	MERRICK IN SUPPORT OF DIRECT
	PURCHASER PLAINTIFFS'
	MEMORANDUM IN RESPONSE TO
	COURT'S JULY 17, 2009 ORDER AS TO
	INJUNCTIVE RELIEF SOUGHT

Judge: Hon. James Ware  
 Date: October 5, 2009  
 Time: 9:00 a.m.  
 Ctrm: 8 – 4th Floor

25 **REDACTED**

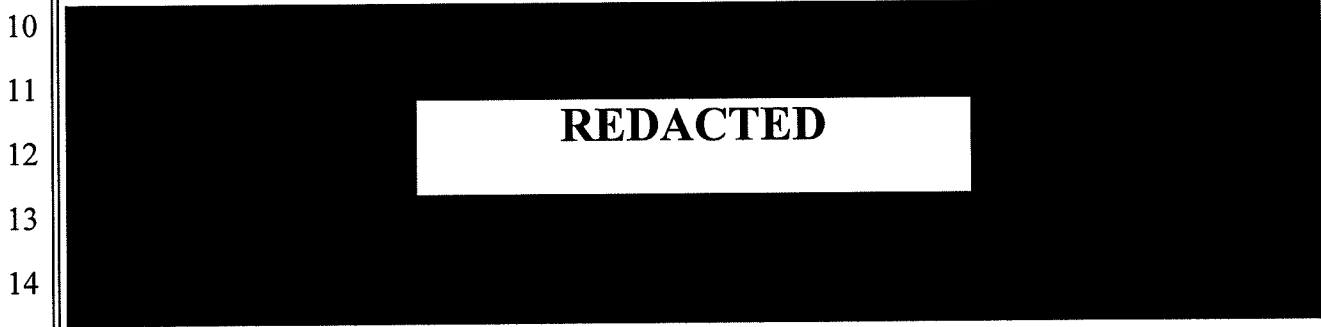
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1 I, Thomas R. Merrick, hereby declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of  
3 California and am associated with 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, "Direct Purchaser Plaintiffs") in the above-captioned action.

8 3. I submit this declaration in support of Direct Purchaser Plaintiffs' Memorandum in  
9 Response to the Court's July 17, 2009 Order as to Injunctive Relief Sought.



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15 5. Attached hereto is a true and correct copy of the following document:

16 Exhibit 1: Relevant excerpt from the deposition transcript of Melanie Tucker, taken  
17 October 26, 2007.

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

20  
21 \_\_\_\_\_  
22 S/ Thomas R. Merrick  
23 THOMAS R. MERRICK

CERTIFICATE OF SERVICE

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I hereby certify that on August 31, 2009, I electronically filed the foregoing 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 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 31, 2009.

s/ Thomas R. Merrick  
THOMAS R. MERRICK

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