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20 Co-Lead Counsel for Plaintiffs

21 [Additional counsel appear on signature page.]

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

25	THE APPLE IPOD ITUNES ANTI-TRUST)	Lead Case No. C-05-00037-JW(RS)
26	LITIGATION)	
27	_____)	<u>CLASS ACTION</u>
28	This Document Relates To:)	DECLARATION OF THOMAS R.
	ALL ACTIONS.)	MERRICK IN SUPPORT OF PLAINTIFFS'
	_____)	OPPOSITION TO DEFENDANT'S MOTION
		FOR RECONSIDERATION OF RULE
		23(b)(2) CLASS

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 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 Plaintiffs Melanie Tucker, Mariana Rosen, and
7 Somtai Troy Charoensak in the above-captioned action.

8 3. I submit this declaration in support of Plaintiffs' Opposition to Defendant's Motion
9 for Reconsideration of Rule 23(b)(2) Class.

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

11 Exhibit 1: Relevant excerpts from the deposition transcript of Somtai Charoensak, taken
12 January 12, 2007;

13 Exhibit 2: Relevant excerpts from the deposition transcript of Mariana Rosen, taken
14 January 24, 2007; and

15 Exhibit 3: Relevant excerpts from the deposition transcript of Melanie Tucker, taken
16 October 26, 2007.

17 I declare under penalty of perjury under the laws of the United States that the foregoing is
18 true and correct. Executed this 14th day of September, 2009, at San Diego, California.

19 _____
s/ Thomas R. Merrick
THOMAS R. MERRICK

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on September 14, 2009, I electronically filed the foregoing with the
3 Clerk of 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 September 14, 2009.

9 s/ Thomas R. Merrick
10 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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