

EXHIBIT E

Capital Reporting Company

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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THE APPLE IPOD iTUNES ANTI-TRUST :
LITIGATION :

-----x

SOMERS, :

Plaintiff :

vs. : Case No.

: C07-6507JW(RS)

APPLE INC., :

No. C 07-6507 JW :

Defendants :

-----x

Washington, D.C.

Tuesday, June 23, 2009

Deposition of:

MICHELLE M. BURTIS, Ph.D.

called for oral examination by counsel for
Plaintiff, pursuant to notice, at 1250 Connecticut
Avenue, N.W., Ste. 300, before Monica A. Voorhees,
of Capital Reporting, RPR/CSR, a Notary Public in
and for the District of Columbia, beginning at
9:07 a.m., when were present on behalf of the
respective parties:

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1 you're asking.

2 Q. Yeah. When were you retained in this
3 litigation?

4 A. So I don't remember exactly when, and by
5 this litigation are you talking about the Stacy
6 Somers litigation?

7 Q. Let's start with the general iTunes
8 anti-trust litigation.

9 A. I don't remember exactly. It's been
10 several months, many months, maybe, ago.

11 Q. Was it this year?

12 A. Well, I know it was before Roger Noll's
13 deposition. I don't know when that was.

14 Q. Okay, that was last year.

15 A. Okay.

16 Q. So was it before his deposition, do you
17 think it was last year?

18 A. Well if his deposition was last year,
19 then it was last year.

20 Q. Okay, so it was sometime fairly close in
21 time before that deposition?

22 A. Well within a couple months I would say

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1 probably, yes.

2 Q. Okay. Okay, let's go to your report. I
3 want to look at paragraph 5 through 7.

4 Is this a complete description of the
5 work you've done in this case?

6 A. Well --

7 Q. And by this case I mean the Somers case?

8 A. It is a complete description of the
9 report that I -- I mean you have the work that I did
10 for this report.

11 Q. Okay, did you do work for the, in
12 connection with the class certification motion
13 before working on this report?

14 A. I provided some consulting work when
15 Dr. French wrote his first report and around his
16 deposition.

17 Q. Anything before that?

18 A. I don't believe so. In this case, in
19 this Stacy Somers case, that's correct.

20 Q. Okay. But the list of material that you
21 provided in Exhibit 2, is that complete with regard
22 to anything you relied on in this report?

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