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24 UNITED STATES DISTRICT COURT
 25 NORTHERN DISTRICT OF CALIFORNIA
 26 SAN JOSE DIVISION

27	THE APPLE IPOD ITUNES ANTI-TRUST)	Lead Case No. C-05-00037-JW(RS)
28	LITIGATION)	
	_____)	<u>CLASS ACTION</u>
	This Document Relates To:)	
	ALL ACTIONS.)	DECLARATION OF THOMAS R. MERRICK IN SUPPORT OF PLAINTIFFS' MOTION TO INTRODUCE OTHER DEPOSITION PARTS PURSUANT TO FED. R. CIV. P. 32(a)(6)
	_____)	

Judge: Hon. James Ware
 Date: November 23, 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 Introduce
8 Other Deposition Parts Pursuant to Fed. R. Civ. P. 32(a)(6).

9 3. The requested relief is necessary to ensure fairness and should be considered with the
10 relevant deposition parts introduced by Apple, Inc. in its Reply in Support of Motion for
11 Decertification of Rule 23(b)(3) Class ("Apple Reply") and accompanying Reply Expert Report of
12 Dr. Michelle M. Burtis ("Burtis Reply").

13 4. Attached hereto as Exhibit A are the relevant citations to the Apple Reply, Burtis
14 Reply and corresponding deposition transcript excerpts.

15 5. Attached hereto as Exhibit B is a true and correct copy of transcript excerpts of the
16 Deposition of Roger G. Noll, Ph.D., taken in this matter on September 19, 2008.

17 6. Attached hereto as Exhibit C is a true and correct copy of transcript excerpts of the
18 Deposition of Roger G. Noll, Ph.D., taken in this matter on October 27, 2009.

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

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s/ Thomas R. Merrick
THOMAS R. MERRICK

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 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 November 17, 2009.

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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