

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

The Apple iPod iTunes Anti-Trust Litigation NO. C 05-00037 JW

**ORDER GRANTING ADMINISTRATIVE
MOTION TO INTRODUCE OTHER
DEPOSITION PARTS PURSUANT TO
FED. R. CIV. P. 32(a)(6)**

Presently before the Court is Plaintiffs' Administrative Motion to Introduce Other Deposition Parts Pursuant to Fed. R. Civ. P. 32(a)(6). (hereafter, "Motion," Docket Item No. 293.) To date, Defendant has not filed an opposition.

Plaintiffs move for permission to introduce additional deposition testimony of their expert witness, Roger G. Noll, to be considered with the relevant deposition parts introduced by Defendant in its Reply in Support of Motion for Decertification of Rule 23(b)(3) Class¹ and accompanying Reply Expert Report of Dr. Michelle M. Burtis.² (Motion at 1; Declaration of Thomas R. Merrick in Support of Plaintiffs' Motion to Introduce Other Deposition Parts Pursuant to Fed. R. Civ. P. 32(a)(6) ¶ 3.)

¹ (Docket Item No. 285.)

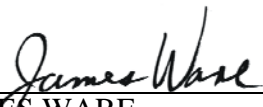
² (Docket Item No. 286.)

1 Fed. R. Civ. P. 32(a)(6) provides: "If a party offers in evidence only part of a deposition, an
2 adverse party may require the offeror to introduce other parts that in fairness should be considered
3 with the part introduced, and any party may itself introduce any other parts."

4 Upon review of the deposition excerpts which Plaintiffs seek to introduce, the Court finds
5 that the additional testimony provides context for the deposition excerpts already introduced by
6 Defendant. Since the supplemental excerpts provide the Court with a clearer understanding of the
7 testimony of Plaintiffs' expert witness, they should in fairness be considered with the parts already
8 introduced.

9 Accordingly, the Court GRANTS Plaintiffs' Administrative Motion to Introduce Other
10 Deposition Parts Pursuant to Fed. R. Civ. P. 32(a)(6).

11
12
13 Dated: November 20, 2009



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: November 20, 2009

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**