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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(HRL)
17 LITIGATION )	
_____ )	<u>CLASS ACTION</u>
18 )	
19 This Document Relates To: )	DECLARATION OF THOMAS R.
ALL ACTIONS. )	MERRICK IN SUPPORT OF PLAINTIFFS'
_____ )	ADMINISTRATIVE MOTION TO FILE
20 )	UNDER SEAL PORTIONS OF
21 )	PLAINTIFFS' REPLY IN SUPPORT OF
22 )	THEIR MOTION FOR ADDITIONAL
23 )	DISCOVERY PURSUANT TO RULE 56(f),
24 )	PORTIONS OF THE MERRICK
25 )	DECLARATION AND PORTIONS OF
26 )	EXHIBITS A AND C TO THE MERRICK
27 )	DECLARATION PURSUANT TO LOCAL
28 )	RULE 79-5(c)

Judge: Hon. James Ware  
 Date: May 10, 2010  
 Time: 9:00 am  
 Location: 8, 4th Floor

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I, THOMAS R. MERRICK, hereby declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California. I am associated with the law firm of Robbins Geller Rudman & Dowd LLP, Co-Lead Class Counsel of record for Plaintiffs Melanie Tucker, Mariana Rosen, and Somtai Troy Charoensak in this action. I have personal knowledge of the matters stated herein, and, if called upon, I could and would competently testify thereto.

2. I submit this declaration in support of Plaintiffs’ Administrative Motion to File Under Seal Portions of Plaintiffs’ Reply in Support of Their Motion for Additional Discovery Pursuant to Rule 56(f) (“Motion”), Portions of the Merrick Declaration in support thereof (“Merrick Declaration”) and Portions of Exhibits A and C to the Merrick Declaration (“Exhibits”) pursuant to Local Rule 79-5(c).

3. The requested relief is necessary and narrowly tailored to protect the confidentiality of Apple’s commercially sensitive business information. The confidential information has been redacted from the Motion, Merrick Declaration and the Exhibits to allow public access to the redacted Motion, Merrick Declaration and Exhibits. The redacted Motion, Merrick Declaration and Exhibits are marked “REDACTED.”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 26th day of April, 2010, at San Diego, California.

\_\_\_\_\_  
s/ Thomas R. Merrick  
THOMAS R. MERRICK

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2010, 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 April 26, 2010.

s/ Thomas R. Merrick  
THOMAS R. MERRICK

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