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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 VACATING CASE
MANAGEMENT CONFERENCE;
DENYING EXTENSION OF FACT
DISCOVERY**

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This Direct Purchaser Action is scheduled for a Case Management Conference on December 20, 2010. Plaintiffs have a Motion for Class Certification and Defendants have a Motion for Summary Judgment currently set for hearing on April 18, 2011. (See Docket Item No. 392.) Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (See Docket Item No. 399.) In the Joint Statement, Defendants request an extension of fact discovery, should Judge Loyd deny their now-pending Motion for a Protective Order to prevent the deposition of Steve Jobs.

In light of the parties' pending dispositive Motions, the Court finds that a Case Management Conference is not necessary at this time. Accordingly, the Court VACATES the December 20 Conference. The Court will set a new Case Management Conference date in its Order addressing the parties' various Motions, if necessary. Further, the Court DENIES Defendants' request for a discovery extension as premature, without prejudice to raise the request again should their Motion for a Protective Order be denied.

Dated: December 14, 2010



JAMES WARE
United States District Judge

United States District Court
For the Northern District of California

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14 **Dated: December 14, 2010**

Richard W. Wieking, Clerk

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

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