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15  
 16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN JOSE DIVISION

19 THE APPLE IPOD ITUNES ANTI-TRUST )	Lead Case No. C-05-00037-JW(HRL)
LITIGATION )	
20 _____ )	<u>CLASS ACTION</u>
21 This Document Relates To: )	PLAINTIFFS' MOTION AND
22 ALL ACTIONS. )	SUPPORTING MEMORANDUM FOR
23 _____ )	LEAVE TO FILE ADDITIONAL
	EVIDENCE IN SUPPORT OF THEIR
	OPPOSITION TO APPLE INC.'S MOTION
	FOR PROTECTIVE ORDER PREVENTING
	THE DEPOSITION OF STEVE JOBS

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 25 JUDGE: Hon. Magistrate Howard R. Lloyd  
 26 DATE: January 18, 2011  
 27 TIME: 10:00 a.m.  
 28 CTRM: 2 – 5th Floor

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that on January 18, 2011 at 10:00 a.m., plaintiffs Melanie Tucker,  
3 Mariana Rosen, and Somtai Charoensak (“Plaintiffs”) hereby move this Court for leave to file  
4 additional evidence in support of their Opposition to Apple Inc.’s Motion for Protective Order  
5 Preventing the Deposition of Steve Jobs (“Opposition”) that was produced by Apple on the evening  
6 Plaintiffs’ Opposition was filed and thus could not be included. After having reviewed those  
7 documents produced on the last day of discovery, Plaintiffs seek to submit the attached  
8 memorandum and exhibits 1 through 12 in support of their Opposition that further demonstrate Steve  
9 Jobs’ unique and non-duplicative knowledge of the facts relevant to this case.

10 **I. MEMORANDUM IN SUPPORT**

11 Apple filed its Motion for Protective Order Preventing the Deposition of Steve Jobs on  
12 December 9, 2010. Plaintiffs filed their Opposition on December 20, 2010. On the same day, at  
13 7:30 p.m., Apple produced additional documents in response to various Plaintiffs’ discovery  
14 requests. Plaintiffs were unable to review this production before filing their Opposition. On  
15 January 4, 2011, Apple filed its reply in support of its motion. *See* Declaration of Paula M. Roach in  
16 Support of Plaintiffs’ Motion and Supporting Memorandum for Leave to File Additional Evidence in  
17 Support of their Opposition to Apple, Inc.’s Motion for Protective Order Preventing the Deposition  
18 of Steve Jobs, filed concurrently (“Roach Decl.”), ¶2.

19 After review of Apple’s December 20, 2010 production, Plaintiffs discovered several  
20 important documents further demonstrating Steve Jobs’ unique and non-duplicative knowledge of  
21 the facts relevant to this case. Accordingly, Plaintiffs seek leave to submit this evidence in further  
22 support of their Opposition. *Id.*, ¶3.

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1 **II. CONCLUSION**

2 For the foregoing reasons, Plaintiffs' motion for leave to file additional evidence should be  
3 granted.

4 DATED: January 7, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2011, I authorized the electronic filing of 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 caused to be 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 January 7, 2011.

s/ Bonny E. Sweeney  
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