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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST) Lead Case No. C-05-00037-JW(HRL)
LITIGATION)

_____) CLASS ACTION

This Document Relates To:) DECLARATION OF PAULA M. ROACH IN
) SUPPORT OF PLAINTIFFS' MOTION TO
ALL ACTIONS.) SHORTEN TIME FOR HEARING
) PLAINTIFFS' MOTION REGARDING
_____) SCHEDULE FOR CLASS CERTIFICATION
AND DEPOSITIONS

Judge: Hon. James Ware
Date: TBD
Time: 9:00 a.m.
CTRM: 8, 4th Floor

1 I, PAULA M. ROACH, hereby declare as follows:

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

7 2. Beginning on December 30, 2010, the parties began negotiating the terms of a joint
8 stipulation to modify the class certification schedule based on Apple's recent and continuing
9 production of data needed by Plaintiffs' experts and the massive document production in the last
10 month of discovery that is still being reviewed by Plaintiffs. The parties agreed on the relief sought
11 and were meeting and conferring with regard to the language in the stipulation on the discovery
12 process.

13 3. Plaintiff also discussed with Apple a joint motion regarding re-opening of
14 depositions.

15 4. For the first time, on 12:30 p.m. on Friday, January 7, 2011, Apple sought to also
16 modify the schedule for its motion for summary judgment through the stipulation. Apple never
17 previously took any issue with the current summary judgment schedule. Plaintiffs did not see any
18 prejudice to Apple in filing its motion for summary judgment on January 17, 2011 and thus could
19 not agree to requested relief. Apple would not agree to stipulate to move the class certification
20 schedule or re-open depositions without also moving the schedule for its motion for summary
21 judgment. Accordingly, the parties reached impasse.

22 5. Plaintiffs' class certification brief is now due on January 17, 2011. If the Court hears
23 Plaintiffs' motion to modify on a regular schedule pursuant to Local Rule, it will be heard after
24 Plaintiffs' motion for class certification is due. Accordingly, Plaintiffs request that this Court hear
25 Plaintiffs' motion to modify on an expedited basis so that the requested relief can be executed.

26 6. Over the course of this case the parties have stipulated to various briefing schedules.
27 I am unaware of Plaintiffs requesting an order to shorten time for briefing in this case.

28

7. The requested shortened time would allow this Court to decide on the requested relief before Plaintiffs' motion for class certification is due.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 7th day of January, 2011, at San Diego, California.

s/ Paula M. Roach
PAULA M. ROACH

1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 7, 2011, I authorized the electronic filing of the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to
4 the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-
6 CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on January 7, 2011.

9 s/ Paula M. Roach
10 PAULA M. ROACH (254142)

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Mailing Information for a Case 5:05-cv-00037-JW

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)