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13 Co-Lead Counsel for Plaintiffs

14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN JOSE DIVISION

18 THE APPLE IPOD ITUNES )  
 ANTI-TRUST LITIGATION )

Lead Case No. C-05-00037-JW(HRL)

19 ) CLASS ACTION

20 This Document Relates To: )

21 ALL ACTIONS. )

) DECLARATION OF BONNY E. SWEENEY IN  
 ) SUPPORT OF PLAINTIFFS' ADMINISTRATIVE  
 ) MOTION TO FILE UNDER SEAL PORTIONS OF  
 ) PLAINTIFFS' MOTION REGARDING  
 22 ) SCHEDULE FOR CLASS CERTIFICATION AND  
 ) DEPOSITIONS AND PORTIONS TO THE  
 23 ) DECLARATION OF ALEXANDRA S. BERNAY IN  
 ) SUPPORT THEREOF, PURSUANT TO LOCAL  
 24 ) RULE 79-5(c)

25 JUDGE: Hon. James Ware  
 26 DATE: TBD  
 27 TIME: 9:00 a.m.  
 28 CTRM: 8, 4th Floor

1 I, BONNY E. SWEENEY, hereby declare as follows:

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

7 2. I submit this declaration in support of Plaintiffs’ Administrative Motion to File Under  
8 Seal Portions of Plaintiffs’ Motion Regarding Schedule for Class Certification And Depositions  
9 (“Memorandum”) and portions of the Declaration of Alexandra S. Bernay in Support Thereof  
10 (“Declaration”) Pursuant to Local Rule 79-5(c).

11 3. Apple has designated this information as “Confidential – Attorneys’ Eyes Only”  
12 under the Protective Order as containing commercially sensitive business information. The  
13 requested relief is necessary and narrowly tailored to satisfy Plaintiffs’ obligations under the  
14 Protective Order. The confidential information in the Memorandum and Declaration have been  
15 redacted to allow public access to the redacted Memorandum and Declaration. The redacted  
16 Memorandum and Declaration are marked “Redacted.”

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

19  
20 s/ Bonny E. Sweeney  
BONNY E. SWEENEY

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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  
BONNY E. SWEENEY

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### **Manual Notice List**

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- (No manual recipients)