

1 ROBBINS GELLER RUDMAN
 & DOWD LLP
 2 JOHN J. STOIA, JR. (141757)
 BONNY E. SWEENEY (176174)
 3 THOMAS R. MERRICK (177987)
 ALEXANDRA S. BERNAY (211068)
 4 PAULA M. ROACH (254142)
 655 West Broadway, Suite 1900
 5 San Diego, CA 92101
 Telephone: 619/231-1058
 6 619/231-7423 (fax)
 johns@rgrdlaw.com
 7 bonnys@rgrdlaw.com
 tmerrick@rgrdlaw.com
 8 xanb@rgrdlaw.com
 proach@rgrdlaw.com

9 THE KATRIEL LAW FIRM
 10 ROY A. KATRIEL (*pro hac vice*)
 1101 30th Street, N.W., Suite 500
 11 Washington, DC 20007
 Telephone: 202/625-4342
 12 202/330-5593 (fax)
 rak@katriellaw.com

13 Co-Lead Counsel for Plaintiffs

14 [Additional counsel appear on signature page.]

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

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,

5 ROBBINS GELLER RUDMAN
6 & DOWD LLP
7 JOHN J. STOIA, JR.
8 BONNY E. SWEENEY
9 THOMAS R. MERRICK
10 ALEXANDRA S. BERNAY
11 PAULA M. ROACH

12 s/ Bonny E. Sweeney
13 BONNY E. SWEENEY

14 655 West Broadway, Suite 1900
15 San Diego, CA 92101
16 Telephone: 619/231-1058
17 619/231-7423 (fax)

18 THE KATRIEL LAW FIRM
19 ROY A. KATRIEL
20 1101 30th Street, N.W., Suite 500
21 Washington, DC 20007
22 Telephone: 202/625-4342
23 202/330-5593 (fax)

Co-Lead Counsel for Plaintiffs

24 BONNETT, FAIRBOURN, FRIEDMAN
25 & BALINT, P.C.
26 ANDREW S. FRIEDMAN
27 FRANCIS J. BALINT, JR.
28 ELAINE A. RYAN
TODD D. CARPENTER
2901 N. Central Avenue, Suite 1000
Phoenix, AZ 85012
Telephone: 602/274-1100
602/274-1199 (fax)

BRAUN LAW GROUP, P.C.
MICHAEL D. BRAUN
10680 West Pico Blvd., Suite 280
Los Angeles, CA 90064
Telephone: 310/836-6000
310/836-6010 (fax)

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MURRAY, FRANK & SAILER LLP
BRIAN P. MURRAY
JACQUELINE SAILER
275 Madison Avenue, Suite 801
New York, NY 10016
Telephone: 212/682-1818
212/682-1892 (fax)

GLANCY BINKOW & GOLDBERG LLP
MICHAEL GOLDBERG
1801 Avenue of the Stars, Suite 311
Los Angeles, CA 90067
Telephone: 310/201-9150
310/201-9160 (fax)

Additional Counsel for Plaintiffs

1
2
3
4
5
6
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9
10
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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

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: bonnys@rgrdlaw.com

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

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Francis Joseph Balint , Jr**
fbalint@bffb.com
- **Alexandra Senya Bernay**
xanb@rgrdlaw.com
- **Michael D Braun**
service@braunlawgroup.com
- **Michael D. Braun**
service@braunlawgroup.com,clc@braunlawgroup.com
- **Todd David Carpenter**
tcarpenter@bffb.com,pjohnson@bffb.com,rcreech@bffb.com
- **Andrew S. Friedman**
khonecker@bffb.com,rcreech@bffb.com,afriedman@bffb.com
- **Alreen Haeggquist**
alreenh@zhlaw.com,judyj@zhlaw.com
- **Roy Arie Katriel**
rak@katriellaw.com,rk618@aol.com
- **Thomas J. Kennedy**
tkennedy@murrayfrank.com
- **David Craig Kiernan**
dkiernan@jonesday.com,lwong@jonesday.com
- **Thomas Robert Merrick**
tmerrick@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Caroline Nason Mitchell**
cnmitchell@jonesday.com,mlandsborough@jonesday.com,ewallace@jonesday.com
- **Robert Allan Mittelstaedt**
ramittelstaedt@jonesday.com,ybennett@jonesday.com
- **Brian P Murray**
bmurray@murrayfrank.com
- **Paula Michelle Roach**
proach@rgrdlaw.com,e_file_sd@rgrdlaw.com

- **Elaine A. Ryan**
eryan@bffb.com,pjohnson@bffb.com
- **Jacqueline Sailer**
jsailer@murrayfrank.com
- **Michael Tedder Scott**
michaelscott@jonesday.com,amhoward@jonesday.com
- **Craig Ellsworth Stewart**
cestewart@jonesday.com,mlandsborough@jonesday.com
- **John J. Stoia , Jr**
jstoia@rgrdlaw.com
- **Bonny E. Sweeney**
bonnys@rgrdlaw.com,christinas@rgrdlaw.com,E_file_sd@rgrdlaw.com,proach@rgrdlaw.com
- **Helen I. Zeldes**
helenz@zhlaw.com

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.

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