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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)	Lead Case No. C-05-00037-JW(HRL)
19 LITIGATION)	
20 _____)	<u>CLASS ACTION</u>
21 This Document Relates To:)	DECLARATION OF BONNY E. SWEENEY
22 ALL ACTIONS.)	IN SUPPORT OF PLAINTIFFS' NOTICE OF
23 _____)	MOTION AND RENEWED MOTION FOR
	CLASS CERTIFICATION AND
	APPOINTMENT OF LEAD CLASS
	COUNSEL

24 JUDGE: Hon. James Ware
 25 DATE: April 18, 2011
 26 TIME: 9:00 a.m.
 27 CTRM; 8, 4th Floor

28 [EXHIBITS 1-17, 19-29 AND 31 REDACTED]

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 plaintiffs Melanie Tucker, Mariana Rosen, and Somtai Troy Charoensak
5 (“Plaintiffs”) in this action. I have personal knowledge of the matters stated herein, and, if called
6 upon, I could and would competently testify thereto.

7 2. Plaintiffs have all been deposed. Plaintiff Somtai Troy Charoensak was deposed on
8 January 12, 2007 by Apple’s counsel, Robert Mittelstaedt. Similarly, Plaintiff Mariana Rosen was
9 deposed on January 24, 2007 and Plaintiff Melanie Tucker was deposed on October 26, 2007.

10 3. Plaintiffs have also provided substantial discovery, including copies of all music files
11 stored on their computers, copies of their iTunes Store purchase history, iTunes Store account names
12 and passwords, copies of receipts documenting their purchases from Apple, and lists of compact
13 discs they own.

14 4. Attached hereto are true and correct copies of the following documents:

15 Exhibit 1: Relevant Excerpts from the Deposition Transcript of Eddy Cue, taken
16 December 17, 2010 [filed under seal];

17 Exhibit 2: Apple_AIIA00099408-09 [filed under seal];

18 Exhibit 3: Apple_AIIA00327951-52 [filed under seal];

19 Exhibit 4: Apple_AIIA00091049-51 [filed under seal];

20 Exhibit 5: Relevant Excerpts from the Deposition Transcript of Arthur Rangel, taken
December 17, 2010 [filed under seal];

21 Exhibit 6: Apple_AIIA01333677-82 [filed under seal];

22 Exhibit 7: Relevant Excerpts from the Deposition Transcript of Jeffrey L Robbin, taken
December 3, 2010 [filed under seal];

23 Exhibit 8: Relevant Excerpts from the Deposition Transcript of David K. Heller, taken
December 15, 2010 [filed under seal];

24 Exhibit 9: Apple_AIIA00090405-07 [filed under seal];

25 Exhibit 10: Apple_AIIA00098491-93 [filed under seal];

26 Exhibit 11: Exhibit 54 to the Deposition of Eddy Cue [filed under seal];

27 Exhibit 12: Apple_AIIA00098511-12 [filed under seal];

28 Exhibit 13: Apple_AIIA00090611-13 [filed under seal];

- 1 Exhibit 14: Apple_AIIA01344648-49 **[filed under seal]**;
- 2 Exhibit 15: Apple_AIIA01385106 **[filed under seal]**;
- 3 Exhibit 16: Apple_AIIA00090429-31 **[filed under seal]**;
- 4 Exhibit 17: Apple_AIIA00098373-75 **[filed under seal]**;
- 5 Exhibit 18: Press Release, *RealNetworks Introduces Harmony, Enabling Consumers to Buy Digital Music that Plays on All Popular Devices* (July 26, 2004);
- 6 Exhibit 19: Apple_AIIA00093875-76 **[filed under seal]**;
- 7 Exhibit 20: Exhibit 23 to the Deposition of Augustin Farrugia **[filed under seal]**;
- 8 Exhibit 21: Relevant Excerpts from Apple_AIIA_B_0000001-103 **[filed under seal]**;
- 9 Exhibit 22: Exhibit 28 to the Deposition of Augustin Farrugia **[filed under seal]**;
- 10 Exhibit 23: Relevant Excerpts from Apple_AIIA00796883-942 **[filed under seal]**;
- 11 Exhibit 24: Apple_AIIA01289403 **[filed under seal]**;
- 12 Exhibit 25: Relevant Excerpts from the Deposition Transcript of Augustin J. Farrugia, taken December 8, 2010 **[filed under seal]**;
- 13 Exhibit 26: Exhibit 59 to the Deposition of Eddy Cue **[filed under seal]**;
- 14 Exhibit 27: Exhibit 15 to the Deposition of Jeffrey Robbin **[filed under seal]**;
- 15 Exhibit 28: Apple_AIIA_B_001706-54 **[filed under seal]**;
- 16 Exhibit 29: Defendant Apple Inc.'s Supplemental Objections and Answers to Plaintiffs' Amended First Set of Interrogatories, dated July 21, 2009 **[filed under seal]**;
- 17 Exhibit 30: Robbins Geller Rudman & Dowd LLP Firm Resume; and
- 18 Exhibit 31: Apple_AIIA00112842-65 **[filed under seal]**.

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

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22 s/ Bonny E. Sweeney
BONNY E. SWEENEY

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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 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 18, 2011.

s/ Bonny E. Sweeney
BONNY E. SWEENEY

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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)