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

18 THE APPLE IPOD ITUNES ANTI-TRUST) 19 LITIGATION) <hr style="width: 100%;"/> 20 This Document Relates To:) 21 ALL ACTIONS.) <hr style="width: 100%;"/> 22	Lead Case No. C-05-00037-JW(HRL) <u>CLASS ACTION</u> DECLARATION OF ALEXANDRA S. BERNAY IN SUPPORT OF MOTION TO SHORTEN TIME FOR HEARING THE MOTION FOR A PROTECTIVE ORDER PREVENTING THE DEPOSITION OF STEVE JOBS
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I, ALEXANDRA S. BERNAY, hereby declare as follows:

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

2. Plaintiffs noticed the deposition of Steve Jobs for November 30, 2010 and later re-noticed it for December 20, 2010. Defendant moved for a protective order on December 9, 2010 with a hearing noticed for January 18, 2011, and Plaintiffs filed their opposition on December 20, 2010.

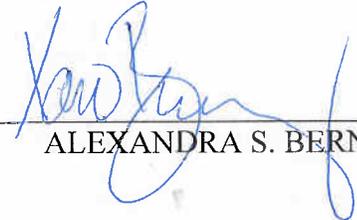
3. On January 17, 2011, Apple announced that Mr. Jobs was taking a medical leave. In light of this announcement, the parties agreed to take the motion off calendar, without prejudice. Dkt. No. 461. On January 18, 2011, the Court vacated the hearing. Dkt. No. 462.

4. Counsel for Plaintiffs asked Apple to agree to a new hearing date on a shortened schedule, and on March 3, 2011, Apple agreed to a hearing on March 15, 2011.

5. The motion was fully briefed when the hearing was vacated, and the parties agree that no further briefing is necessary. Accordingly, the parties have agreed to a hearing date of March 15, 2011.

6. The parties do not believe the requested time modification will have any effect on the schedule for the case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 10th day of March, 2011, at San Diego, California.



ALEXANDRA S. BERNAY

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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 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 March 10, 2011.

s/ Alexandra S. Bernay
ALEXANDRA S. BERNAY

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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)