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13 Co-Lead Counsel for Plaintiffs

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 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 ALEXANDRA S.
22 ALL ACTIONS.	)	BERNAY IN SUPPORT OF PLAINTIFFS'
23 _____	)	MOTION TO EXCLUDE THE OPINIONS
	)	OF DEFENDANT'S EXPERT, DR.
	)	MICHELLE M. BURTIS, PH.D.

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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 an associate at 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 (collectively "Plaintiffs") in this action. I have personal knowledge of the matters stated herein, and, if called upon, I could and would competently testify thereto.

2. I submit this declaration in support of Plaintiffs' Motion to Exclude the Opinions of Defendant's Expert, Dr. Michelle M. Burtis, Ph.D.

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

Exhibit 1: Relevant excerpts from the deposition transcript of Michelle M. Burtis, Ph.D., taken March 14, 2011 **[filed under seal]**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of March, 2011, at San Diego, California.

\_\_\_\_\_  
s/ Alexandra S. Bernay  
ALEXANDRA S. BERNAY

1 CERTIFICATE OF SERVICE

2 I hereby certify that on March 28, 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 March 28, 2011.

9 s/ Alexandra S. Bernay  
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- (No manual recipients)