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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 PAULA M. ROACH IN
22 ALL ACTIONS.)	SUPPORT OF PLAINTIFFS' OPPOSITION
23 _____)	TO APPLE'S OBJECTIONS TO
	PLAINTIFFS' EVIDENCE FILED IN
	SUPPORT OF REPLY IN SUPPORT OF
	PLAINTIFFS' RENEWED MOTION FOR
	CLASS CERTIFICATION

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

1 I, PAULA M. ROACH, declare as follows:

2 1. I am an associate at the law firm Blood Hurst and O'Reardon LLP. Through
3 February 4, 2011, I was an associate at Robbins Geller Rudman & Dowd LLP ("Robbins Geller"),
4 co-lead counsel of record for Plaintiffs Melanie Tucker, Mariana Rosen and Somtai Troy
5 Charoensak (collectively, "Plaintiffs") in this action. I have personal knowledge of the matters stated
6 herein, and, if called upon, I could and would competently testify thereto.

7 2. I submit this Declaration in Support of Plaintiffs' Opposition to Apple's Objections to
8 Plaintiffs' Evidence Filed in Support of Reply in Support of Plaintiffs' Renewed Motion for Class
9 Certification.

10 3. I have reviewed the Declaration of David C. Kiernan submitted by Apple in
11 opposition to Plaintiffs' Renewed Motion for Class Certification. I have also reviewed the
12 Declaration of Alexandra S. Bernay submitted in Support of Plaintiffs' Reply Memorandum in
13 Support of Plaintiffs' Renewed Motion for Class Certification.

14 4. I worked extensively on the litigation from January 2008 until February 2011. A
15 number of the statements in the Kiernan Declaration regarding conversations he claims to have had
16 with me and other discovery-related matters do not comport with my recollection.

17 5. In Paragraph 6 of Mr. Kiernan's Declaration he states that he had discussions with me
18 regarding staging the production of documents. While Apple did request a staging of production, at
19 no time did Plaintiffs ever agree to stage discovery. Plaintiffs actively sought production from
20 Apple responsive to all discovery requests including the Rule 30(b)(6) document requests. In fact,
21 the parties agreed on search terms and custodians for all discovery in September 2009. While Apple
22 continued to request that discovery be staged, Plaintiffs continued to stand by their position that
23 staging was inappropriate. I told Mr. Kiernan this on more than one occasion.

24 6. In Paragraph 7, Mr. Kiernan states that material was produced in response to Rule
25 30(b)(6) requests. In fact, Apple produced very little material, just a few thousand pages, and the
26 documents were incomplete and duplicative. In October 2009, Thomas R. Merrick, another attorney
27 at Robbins Geller, and I, spoke to Mr. Kiernan regarding Apple's production several times. During
28 this period Mr. Merrick and I repeatedly explained to Apple that we needed Apple to produce

1 complete sets of data that would enable Plaintiffs' expert to complete a damages study. I never
2 indicated to Apple's counsel that data was not required or unwanted.

3 7. In Paragraph 13 of his Declaration, Mr. Kiernan states that he and I had discussions
4 regarding data to be collected for Plaintiffs' economist, Professor Roger Noll. Plaintiffs asked for
5 complete cost data for iPods and the iTunes Store for a period extending past the end of the class
6 period. However, despite Mr. Kiernan's statement, I never agreed to put off production of this data
7 for any reason.

8 8. I was involved in numerous phone calls and email communications with Mr. Kiernan
9 regarding data needed by Professor Noll. I repeatedly requested updates regarding the production of
10 this data. Mr. Kiernan continually promised that he was meeting with his client and would produce
11 the data. When the data was not produced as promised, I would inquire again and Mr. Kiernan
12 would state that he was meeting with his client and would produce. While Apple did agree to
13 prioritize custodial productions some time in late October 2010 because depositions were about to
14 begin, this was not at the expense of data being produced. In fact, I understood from Apple that at
15 least fifteen lawyers were working on producing documents throughout the production process. At
16 no time did I agree that the data production should be delayed until the last week, and up until the
17 last day, of discovery.

18 9. Throughout his Declaration, Mr. Kiernan intimates that I was the only person
19 involved in discovery matters. This is not true. Either Mr. Merrick, Ms. Bernay or Ms. Sweeney
20 were involved in calls and/or emails of substance or I reported to those attorneys directly after
21 meeting with Apple's counsel.

22 10. Based on my personal knowledge regarding the various discovery matters that
23 occurred prior to February 4, 2011, the last day I worked at Robbins Geller, the Declaration of Ms.
24 Bernay accurately reflects my understanding of the various document and data production issues
25 between Plaintiffs and Apple.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 8th day of April, 2011, at San Diego, California.



PAULA M. ROACH

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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 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 April 11, 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)