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14 [Additional counsel appear on signature page.]

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:)	MOTION FOR LEAVE TO FILE
22 ALL ACTIONS.)	SUPPLEMENTAL EVIDENCE FROM THE
23)	DEPOSITION OF STEVE JOBS IN
)	SUPPORT OF PLAINTIFFS' OPPOSITION
)	TO APPLE'S MOTION FOR SUMMARY
)	JUDGMENT

24 JUDGE: Hon. James Ware
 25 DATE: TBD
 26 TIME: TBD
 27 CTRM: 8, 4th floor
 28

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that as soon as the Court's schedule allows, before the Honorable
3 James Ware, in Courtroom 8, 4th Floor, Plaintiffs Melanie Tucker, Mariana Rosen and Somtai
4 Charoensak (collectively "Plaintiffs") hereby move the Court pursuant to Local Rule 7-11, for leave
5 to file supplementary evidence in support of its opposition to Defendant Apple's Motion for
6 Summary Judgment. This evidence is testimony from Apple, Inc.'s CEO, Steve Jobs, that was not
7 available and could not have been obtained before the deadlines for Plaintiffs' opposition to Apple's
8 Motion for Summary Judgment. Plaintiffs deposed Mr. Jobs April 12, 2011.

9 Plaintiffs' supplemental submission is short – just 4 pages – and provides important evidence
10 that should be part of the record prior to the hearing on summary judgment set for April 18, 2011.
11 This is evidence Plaintiffs could not have submitted earlier because Apple filed a motion for a
12 protective order to stop the deposition of Mr. Jobs from going forward when it was originally noticed
13 during the fact-discovery period and the motion was not decided by Magistrate Judge Howard R.
14 Lloyd until after Plaintiffs' Opposition to Apple's Motion for Summary Judgment was due.

15 Plaintiffs' respectfully request that the Court grant this motion for leave to file supplemental
16 evidence.

17 DATED: April 15, 2011

Respectfully submitted,

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on April 15, 2011, I authorized the electronic filing of the foregoing with
3 the Clerk of the Court using the CM/ECF system which will send notification of such filing to the
4 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 April 15, 2011.

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