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12 Attorneys for Defendant
 13 APPLE COMPUTER, INC.

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

17 **THOMAS WILLIAM SLATTERY,**
 18 **Individually, And On Behalf Of All**
 19 **Others Similarly Situated,**

20 **Plaintiff,**

21 v.

22 **APPLE COMPUTER, INC.,**

23 **Defendant.**

24 **Case No. C 05 00037 JW**

25 **CLASS ACTION**

26 **DECLARATION OF TRACY M. STRONG**
 27 **IN SUPPORT OF APPLE COMPUTER,**
 28 **INC.'S OPPOSITION TO MOTION FOR**
LEAVE TO FILE SECOND AMENDED
COMPLAINT

Date: May 8, 2006
 Time: 9:00 a.m.
 Place: Courtroom 8, 4th Floor

I, Tracy M. Strong, declare:

1. I am an associate in the law firm of Jones Day, located at 555 California Street, 26th Floor, San Francisco, California, 94104, a member in good standing of the State Bar of California, and one of the attorneys of record in this case for defendant. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would competently

1 testify thereto. I make this declaration in support of defendant's opposition to plaintiff's motion
2 for leave to file a second amended complaint.

3 2. Attached hereto as Exhibit A are true and correct copies of emails dated February
4 3 and February 15, 2006 between Jones Day and Roy Katriel, counsel for plaintiff, regarding
5 plaintiff's insufficient responses to defendant's document requests.

6 I declare under penalty of perjury of the laws of California and the United States of
7 America that the foregoing is true and correct of my personal knowledge. Executed this 17th day
8 of April, 2006 at San Francisco, California.

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Tracy M. Strong

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