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June 23, 2011

VIA ECF

Honorable Chief Judge James Ware
United States District Court
Northern District of California
San Francisco Courthouse, Ctrm 5 - 17th FL
450 Golden Gate Avenue
San Francisco, CA 94110

Re: *The Apple iPod iTunes Anti-Trust Litigation*
Lead Case No. C-05-00037-JW

Dear Judge Ware:

Plaintiffs respectfully request time during the June 27, 2011 hearing to discuss the schedule for the remainder of this case. Plaintiffs below provide a proposed schedule which is similar to a version Plaintiffs shared with counsel for Apple earlier this month. Apple's counsel replied with a counter-proposal that set trial for nearly a year from now. Plaintiffs informed Apple's counsel that such a distant trial date was unacceptable and that they planned to submit proposed dates to the Court so that the parties could discuss the issue with the Court during the June 27, 2011 hearing regarding class certification. Plaintiffs' counsel invited Apple to submit a schedule of their own.

Plaintiffs believe the below schedule is reasonable in light of the claims remaining and are prepared to abide by its terms to bring this matter to resolution by early 2012 and hereby request the Court consider entering into a scheduling Order based on the dates provided below.

Plaintiffs will be prepared to discuss the proposal at the June 27, 2011 hearing.

Class Notice

Within 45 days of the Court's Order regarding class certification the parties shall present to the Court a proposed form of class notice and proposed notice plan.

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Expert discovery

Any additional expert reports shall be exchanged by August 15, 2011. Rebuttal reports, if any, are due September 16, 2011. Each side is entitled to one seven-hour deposition of any expert who submits a report. Expert depositions are to be completed by October 3, 2011.

All challenges to experts must be filed by October 11, 2011. Oppositions to any expert challenges are due October 25, 2011. Reply briefs are due November 1, 2011.

Pre-Trial Matters

Parties shall exchange exhibit lists by November 7, 2011. Objections to exhibits are due November 21, 2011. Joint exhibit list shall be due December 5, 2011.

Motions *In Limine*

All motions *in limine* and proposed jury instructions are to be filed December 5, 2011. Oppositions to all motions *in limine* are due December 19, 2011. Replies in support of motions *in limine* are due December 30, 2011.

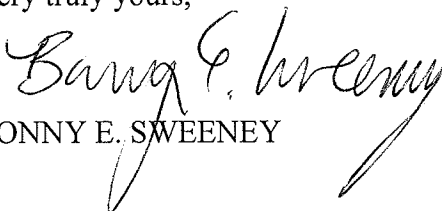
Pretrial Conferences

Joint pretrial conference statement and proposed Order shall be due by January 10, 2012. Final pretrial conference and hearing on motions *in limine* to be held on January 16, 2012 at 11:00 a.m.

Trial

Jury selection to be held on January 31, 2012 at 9:00 a.m.

Very truly yours,


BONNY E. SWEENEY

cc: All counsel of record (via ECF)

BES:sl

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 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 June 23, 2011.

s/ Bonny E. Sweeney

BONNY E. SWEENEY

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Mailing Information for a Case 5:05-cv-00037-JW

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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)