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 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13 **THE APPLE IPOD iTUNES ANTI-**  
 14 **TRUST LITIGATION**

Lead Case No. C 05-00037-JW (HRL)  
 [CLASS ACTION]

15 \_\_\_\_\_  
 16 This Document Relates To:  
 17 ALL ACTIONS

**DECLARATION OF DAVID C. KIERNAN  
 IN SUPPORT OF APPLE'S FURTHER  
 SUPPLEMENTAL BRIEF RE CLASS  
 CERTIFICATION**

Date: June 27, 2011  
 Time: 9:00 a.m.  
 Place: Courtroom 5, 17th Floor

[EXHIBIT 1 FILED UNDER SEAL]

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I, David C. Kiernan, declare as follows:

1. I am a partner of Jones Day, counsel of record for Defendant Apple Inc. I am an active, licensed member of the State Bar of California. I make this declaration in support of Apple Inc.'s Further Supplemental Brief Re Class Certification. I submit this declaration based on personal knowledge.

2. Attached as Exhibit 1 to this declaration is a true and accurate copy of portions of the final transcript of the deposition of Roger Noll, taken on April 7, 2011.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on June 23, 2011, in San Francisco, California.

\_\_\_\_\_  
/s/ David C. Kiernan  
David C. Kiernan

SFI-701510v1

# EXHIBIT 1

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