

1 Robert A. Mittelstaedt #60359
ramittelstaedt@jonesday.com
2 Craig E. Stewart #129530
cestewart@jonesday.com
3 David C. Kiernan #215335
dkiernan@jonesday.com
4 JONES DAY
5 555 California Street, 26th Floor
San Francisco, CA 94104
6 Telephone: (415) 626-3939
7 Facsimile: (415) 875-5700
8 Attorneys for Defendant APPLE INC.

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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**

15 _____
16 This Document Relates To:
17 ALL ACTIONS

Lead Case No. C 05-00037-JW

[CLASS ACTION]

DECLARATION OF DAVID C. KIERNAN
IN SUPPORT OF APPLE'S RESPONSE
TO PROFESSOR NOLL'S JULY 18
DECLARATION

[EXHIBIT 2 FILED UNDER SEAL]

1 I, David C. Kiernan, declare as follows:

2 1. I am a partner of Jones Day, counsel of record for Defendant Apple Inc. I am an
3 active, licensed member of the State Bar of California. I make this declaration in support of
4 Apple Inc.'s Response To Noll's July 18 Declaration. I submit this declaration based on personal
5 knowledge.

6 2. Attached as Exhibit 1 to this declaration is a true and accurate copy of emails
7 between Robert Mittelstaedt, counsel for Apple, and Carmen Medici, counsel for plaintiffs.

8 3. Attached as Exhibit 2 to this declaration are portions of the final transcript of the
9 deposition of Roger Noll, taken on April 7, 2011.

10 I declare under penalty of perjury that the foregoing is true and correct. This declaration
11 was executed on July 22, 2011, in San Francisco, California.

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13 /s/ David C. Kiernan
David C. Kiernan

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