

1 ROBBINS GELLER RUDMAN
 & DOWD LLP
 2 JOHN J. STOIA, JR. (141757)
 BONNY E. SWEENEY (176174)
 3 THOMAS R. MERRICK (177987)
 ALEXANDRA S. BERNAY (211068)
 4 CARMEN A. MEDICI (248417)
 655 West Broadway, Suite 1900
 5 San Diego, CA 92101
 Telephone: 619/231-1058
 6 619/231-7423 (fax)
 johns@rgrdlaw.com
 7 bonnys@rgrdlaw.com
 tmerrick@rgrdlaw.com
 8 xanb@rgrdlaw.com
 cmedici@rgrdlaw.com

9 Class Counsel for Plaintiffs

10 [Additional counsel appear on signature page.]

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

14 THE APPLE IPOD ITUNES ANTI-TRUST)	Lead Case No. C-05-00037-JW
15 LITIGATION)	
16 _____)	<u>CLASS ACTION</u>
17 This Document Relates To:)	DECLARATION OF ALEXANDRA S.
18 ALL ACTIONS.)	BERNAY IN SUPPORT OF STIPULATION
19 _____)	REGARDING EXTENDING TIME TO FILE
	PROPOSED FORM OF NOTICE AND
	NOTICE PLAN

1 I, Alexandra S. Bernay, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California. I am associated with the law firm of Robbins Geller Rudman & Dowd LLP, Class
4 Counsel of record for Plaintiffs Melanie Tucker, Mariana Rosen and Somtai Troy Charoensak
5 (“Plaintiffs”) in the above-entitled action. I have personal knowledge of the matters stated herein,
6 and, if called upon, I could and would competently testify thereto.

7 2. I submit this declaration in support of the Stipulation Regarding Extending Time to
8 File Proposed Form of Notice and Notice Plan.

9 3. On November 22, 2011, the Court granted Plaintiffs’ motion for class certification
10 and ordered that the Parties file a proposed form of notice and joint notice plan by December 9,
11 2011.

12 4. On November 30, 2011, I asked Apple for information on potential Class Members’
13 contact information. On December 6, 2011, Apple provided certain information, including the
14 number of email addresses and postal addresses it maintains for potential Class Members.

15 5. I understand from numerous discussions with the proposed notice administrator, Rust
16 Consulting, that detailed information regarding Apple’s customer data is necessary in order to
17 properly formulate a notice plan. I have been told by the administrator that they need to know, for
18 example, whether there are also mailing addresses available for potential Class Members, whether
19 the email addresses are linked to specific models of iPods and whether the numbers are thought to be
20 over or under-inclusive of the potential class membership. These details affect the type of notice
21 considered, the costs of such a notice and the avenues through which the notice will be disseminated.
22 For example, the administrator has explained that if the email addresses are thought to be under-
23 inclusive, consideration should be given to adding a print publication dimension to the notice plan.

24 6. Additionally, in order to formulate a proper notice plan, I understand from the
25 administrator that information regarding the resellers in the class is necessary. According to the
26 administrator, these Class Members will likely be reached in a different manner than the consumer
27 Class Members and mailing addresses for the resellers will need to be examined. This is not
28

1 information that has been provided yet and I understand that Apple will have to investigate these and
2 potentially other issues.

3 7. To expedite the process, Plaintiffs' counsel and Apple's counsel have agreed to meet
4 with the administrator to discuss the above questions and any other questions it may have.

5 8. The proposed extension will not affect the schedule in this case.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct. Executed this 7th day of December, 2011, at San Diego, California.

8

9

s/ Alexandra S. Bernay
ALEXANDRA S. BERNAY

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 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 December 7, 2011.

s/ Alexandra S. Bernay
ALEXANDRA S. BERNAY

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: xanb@rgrdlaw.com

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

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Francis Joseph Balint , Jr**
fbalint@bffb.com
- **Alexandra Senya Bernay**
xanb@rgrdlaw.com
- **Michael D Braun**
service@braunlawgroup.com
- **Michael D. Braun**
service@braunlawgroup.com,clc@braunlawgroup.com
- **Todd David Carpenter**
tcarpenter@bffb.com,pjohnson@bffb.com,rcreech@bffb.com
- **Andrew S. Friedman**
khonecker@bffb.com,rcreech@bffb.com,afriedman@bffb.com
- **Alreen Haeggquist**
alreenh@zhlaw.com,judyj@zhlaw.com,winkyc@zhlaw.com
- **Roy Arie Katriel**
rak@katriellaw.com,rk618@aol.com
- **Thomas J. Kennedy**
tkennedy@murrayfrank.com
- **David Craig Kiernan**
dkiernan@jonesday.com,lwong@jonesday.com
- **Carmen Anthony Medici**
cmedici@rgrdlaw.com,slandry@rgrdlaw.com
- **Thomas Robert Merrick**
tmerrick@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Caroline Nason Mitchell**
cnmitchell@jonesday.com,mlandsborough@jonesday.com
- **Robert Allan Mittelstaedt**
ramittelstaedt@jonesday.com,mlandsborough@jonesday.com
- **Brian P. Murray**
bmurray@murrayfrank.com
- **George A. Riley**
griley@omm.com,lperez@omm.com,cchiu@omm.com
- **Elaine A. Ryan**

eryan@bffb.com,nserden@bffb.com

- **Jacqueline Sailer**
jsailer@murrayfrank.com
- **Michael Tedder Scott**
invalidaddress@invalidaddress.com
- **Craig Ellsworth Stewart**
cestewart@jonesday.com,mlandsborough@jonesday.com
- **John J. Stoia , Jr**
jstoia@rgrdlaw.com
- **Bonny E. Sweeney**
bonnys@rgrdlaw.com,christinas@rgrdlaw.com,E_file_sd@rgrdlaw.com
- **Helen I. Zeldes**
helenz@zhlaw.com

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)