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 APPLE INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

13 THE APPLE IPOD iTUNES ANTI-TRUST
 LITIGATION.

Lead Case No. C 05-00037 YGR

[CLASS ACTION]

16 This Document Relates To:

17 ALL ACTIONS.

**DECLARATION OF DAVID KIERNAN
 IN SUPPORT OF APPLE'S
 ADMINISTRATIVE MOTION TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE TO APRIL 8, 2013**

21 1. I am a partner in the law firm of Jones Day, located at 555 California Street, 26th
 22 Floor, San Francisco, CA 94104. I submit this declaration in support of Apple's Administrative
 23 Motion To Continue The Case Management Conference to April 8, 2013. The facts stated in this
 24 declaration are true and based upon my own personal knowledge, and if called to testify to them, I
 25 would competently do so.

26 2. A case management conference is currently scheduled for March 11, 2013. (Doc.
 27 722.)

28 3. Counsel for Apple is unavailable on March 11, 2013 due to a deposition on that

1 date involving several parties.

2 4. I met and conferred with counsel for Plaintiffs, who does not object to moving the
3 date. April 8 is the first Monday that works for all counsel..

4 5. The continuance will not impact any other dates in the schedule entered in this
5 case.

6 Executed this 15th day of February, 2013 in San Francisco, California.

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/s/ David C. Kiernan
David C. Kiernan

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