

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
 555 California Street, 26th Floor
 5 San Francisco, CA 94104
 Telephone: (415) 626-3939
 6 Facsimile: (415) 875-5700

7 Attorneys for Defendant
 APPLE INC.

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

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

**Lead Case No. C 05-00037 YGR
 [CLASS ACTION]**

**STIPULATED [~~PROPOSED~~] MODIFIED
 ORDER REGARDING SCHEDULE**

16 **This Document Relates To:**

17 **ALL ACTIONS**

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1 On January 28, 2013, this Court entered the schedule for expert discovery and other events
2 proposed by the parties. On April 1, 2013, as part of a case management conference statement, the
3 parties submitted stipulated amendments to the schedule based on information then known to
4 them. After the parties' submission, counsel for Apple (Mr. Mittelstaedt, Mr. Stewart, and Mr.
5 Kiernan) received an order in another complex antitrust case that reset the schedule in that case
6 and imposed substantial new briefing and discovery obligations, with deadlines occurring during
7 the same period as the deadlines in this case for Apple's expert reports. Among other things,
8 counsel for Apple in the other matter is currently preparing to take the depositions of experts,
9 preparing rebuttal expert reports, and drafting an opposition brief. Apple's counsel has worked
10 diligently to meet the deadlines in both this case and in the other case, but despite that effort
11 believes that the current deadline for Apple's expert reports in this case does not afford Apple
12 adequate additional time to complete its expert reports.

13 In addition to Apple's scheduling issues, plaintiffs class counsel and its experts are also
14 faced with conflicts. Counsel has a crucial final approval hearing on the settlement of another
15 large complex antitrust action on September 12, and a trial call on another on September 17, 2013.
16 Further, plaintiffs' economist expert is unavailable from the end of July through the first two
17 weeks of August, 2013.

18 After meeting and conferring over the last eleven days on dates that will avoid conflicts and
19 accommodate the schedules of counsel for plaintiffs and their experts, the parties have agreed and
20 stipulate to amend the dates in the schedule as follows:

21 Defendant's expert report(s) due:	July 19, 2013
22 Service of Defendant's experts' data and documents:	July 24, 2013
23 Depositions of Defendant's expert(s) to be completed:	August 30, 2013
24 Plaintiffs' rebuttal report(s) due:	October 30, 2013
25 Service of Plaintiffs' experts' data and documents:	November 4, 2013

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Motions for summary judgment and to exclude expert testimony¹ (single brief) due: November 30, 2013
Oppositions due: December 12, 2013
Replies due: January 11, 2014
Hearing on motions for summary judgment and to exclude expert testimony: *To be set once Court has availability to consider motions*

Dated: May 31, 2013 JONES DAY
By: /s/ David C. Kiernan
David C. Kiernan
Counsel for Defendant APPLE INC.

Dated: May 31, 2013 JONES DAY
By: /s/ Thomas Merrick
Thomas Merrick
Counsel for Plaintiffs

The parties are advised that a hearing date for any motions for summary judgment and to exclude expert testimony will be set once the Court has availability to consider the motion(s).

IT IS SO ORDERED.

DATED: June 5, 2013 
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

¹The Court held “that nothing in the Federal Rules of Civil Procedure or the Civil Local Rules would prevent Defendant from filing a motion for summary judgment addressing issues which have not yet been raised before the Court.” Dkt. No. 713 (May 2, 2012 Order) at 1.