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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

14 THE APPLE IPOD ITUNES ANTI-TRUST) Lead Case No. C-05-00037-YGR
 15 LITIGATION)
) CLASS ACTION

16 _____)
 17 This Document Relates To:)
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 18 ALL ACTIONS.)
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 19 _____)
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DECLARATION OF BONNY E. SWEENEY
 IN SUPPORT OF PLAINTIFFS'
 ADMINISTRATIVE MOTION TO FILE
 PORTIONS PLAINTIFFS' *DAUBERT*
 MOTION TO EXCLUDE CERTAIN
 OPINION TESTIMONY OF KEVIN M.
 MURPHY AND ROBERT H. TOPEL AND
 EXHIBITS 1-10 UNDER SEAL PURSUANT
 TO CIVIL L.R. 7-11 AND 79-5

DATE: February 18, 2014
 TIME: 2:00 p.m.
 CTRM: 5, 2nd Floor
 JUDGE: Hon. Yvonne Gonzalez Rogers

1 I, Bonny E. Sweeney, declare:

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

7 2. I submit this declaration in support of plaintiffs’ Administrative Motion to File Under
8 Seal portions of Plaintiffs’ *Daubert* Motion to Exclude Certain Opinion Testimony of Kevin M.
9 Murphy and Robert H. Topel and Exhibits 1-10 attached to Declaration of Bonny E. Sweeney in
10 Support of Plaintiffs’ *Daubert* Motion to Exclude Certain Opinion Testimony of Kevin M. Murphy
11 and Robert H. Topel (“Sweeney *Daubert* Declaration”): Exhibit 1, the Declaration of Jeffrey M.
12 Wooldridge in Support of Plaintiffs’ *Daubert* Motion to Exclude Certain Opinion Testimony of
13 Robert H. Topel and Kevin M. Murphy; Exhibit 2, Declaration of Roger G. Noll on Liability and
14 Damages; Exhibit 3, Corrections to Declaration of Roger G. Noll on Liability and Damages; Exhibit
15 4, Rebuttal Declaration of Roger G. Noll on Liability and Damages; Exhibit 5, Expert Report of
16 Kevin M. Murphy (Amended); Exhibit 6, Expert Report of Robert H. Topel (Amended); Exhibit 7,
17 the Supplemental Declaration of Augustin Farrugia, dated July 2, 2013; Exhibit 8, Excerpts from the
18 December 18, 2013 Deposition Transcript of Professor Roger G. Noll; Exhibit 9, Excerpts from the
19 November 8, 2013 Deposition Transcript of Robert Topel, Ph.D.; and Exhibit 10, Excerpts from the
20 November 12, 2013 Deposition Transcript of Kevin Murphy, Ph.D. The documents at issue include
21 material that has been designated confidential under the Protective Order. It is plaintiffs’
22 understanding that Apple wishes the documents to remain confidential.

23 3. Such filing under seal is necessitated by the designation of certain documents that are
24 quoted, paraphrased and referenced in Plaintiffs’ *Daubert* Motion to Exclude Certain Opinion
25 Testimony of Kevin M. Murphy and Robert H. Topel and Exhibits 1-10 attached to the Sweeney
26 *Daubert* Declaration as “Confidential” by Apple.

27 4. Under the terms of the existing Protective Order, plaintiffs are obligated to file
28 portions of the Plaintiffs’ *Daubert* Motion to Exclude Certain Opinion Testimony of Kevin M.

1 Murphy and Robert H. Topel and Exhibits 1-10 attached to the Sweeney *Daubert* Declaration, which
2 reference documents designated as “Confidential” under seal.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct. Executed this 20th day of December, 2013, at San Diego, California.

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6 s/ Bonny E. Sweeney
BONNY E. SWEENEY

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on December 20, 2013, I authorized the electronic filing of the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to
4 the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-
6 CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on December 20, 2013.

9 s/ Bonny E. Sweeney
10 BONNY E. SWEENEY

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Mailing Information for a Case 4:05-cv-00037-YGR

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Manual Notice List

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- (No manual recipients)