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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:) DECLARATION OF BONNY E. SWEENEY
) IN SUPPORT OF PLAINTIFFS' *DAUBERT*
 18 ALL ACTIONS.) MOTION TO EXCLUDE CERTAIN
) OPINION TESTIMONY OF KEVIN M.
) MURPHY AND ROBERT H. TOPEL

19 DATE: February 18, 2014
 20 TIME: 2:00 p.m.
 21 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’ *Daubert* Motion to Exclude Certain
8 Opinion Testimony of Kevin M. Murphy and Robert H. Topel.

9 3. Attached hereto are true and correct copies of the following documents:

- 10 Exhibit 1: Declaration of Jeffrey M. Wooldridge in Support of Plaintiffs’ *Daubert*
11 Motion to Exclude Certain Opinion Testimony of Robert H. Topel and Kevin
M. Murphy, dated December 20, 2013 **[filed under seal]**;
- 12 Exhibit 2: Declaration of Roger G. Noll on Liability and Damages, dated April 3, 2013
[filed under seal];
- 13 Exhibit 3: Corrections to Declaration of Roger G. Noll on Liability and Damages, dated
May 31, 2013 **[filed under seal]**;
- 14 Exhibit 4: Rebuttal Declaration of Roger G. Noll on Liability and Damages, November
25, 2013 **[filed under seal]**;
- 15 Exhibit 5: Expert Report of Kevin M. Murphy (Amended), dated August 19, 2013 **[filed**
16 **under seal]**;
- 17 Exhibit 6: Expert Report of Robert H. Topel (Amended), dated August 19, 2013 **[filed**
under seal];
- 18 Exhibit 7: Supplemental Declaration of Augustin Farrugia, dated July 2, 2013 **[filed**
under seal];
- 19 Exhibit 8: Relevant Excerpts from the Deposition Transcript of Professor Roger G. Noll,
taken December 18, 2013 **[filed under seal]**;
- 20 Exhibit 9: Relevant Excerpts from the Deposition Transcript of Robert Topel, Ph.D.,
taken November 8, 2013 **[filed under seal]**;
- 21 Exhibit 10: Relevant Excerpts from the Deposition Transcript of Kevin Murphy, Ph.D.,
taken November 12, 2013 **[filed under seal]**;
- 22 Exhibit 11: Relevant Excerpts from Joshua D. Angrist and Jorn-Steffen Pischke, *Mostly*
23 *Harmless Econometrics: An Empiricist’s Companion* (Princeton University
Press 2009);
- 24 Exhibit 12: Relevant Excerpts from American Bar Association, Section of Antitrust,
25 *Proving Antitrust Damages: Legal and Economic Issues* (2d ed. 2010);
- 26 Exhibit 13: Relevant Excerpts from Colin Cameron and Douglas L. Miller, *Robust*
27 *Inference with Clustered Data*, in Handbook of Empirical Economics and
28 Finance (CRC Press 2011); and

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Exhibit 14: Relevant Excerpts from *United States v. Apple Inc.*, No. 1:12-cv-02826-DLC ,
Hearing Transcript for Proceedings held on May 23, 2013 (S.D.N.Y).

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

s/ Bonny E. Sweeney
BONNY E. SWEENEY

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013, 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 20, 2013.

s/ Bonny E. Sweeney
BONNY E. SWEENEY

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Manual Notice List

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- (No manual recipients)