

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST )  
LITIGATION )

Lead Case No. C-05-00037-YGR

CLASS ACTION

This Document Relates To: )  
ALL ACTIONS. )

[PROPOSED] ORDER GRANTING  
PLAINTIFFS' *DAUBERT* MOTION TO  
EXCLUDE CERTAIN OPINION  
TESTIMONY OF KEVIN M. MURPHY  
AND ROBERT H. TOPEL

1           Having considered Plaintiffs' *Daubert* Motion to Exclude Certain Opinion Testimony of  
2 Kevin M. Murphy and Robert H. Topel, the opposition thereto by Defendant Apple, Inc., the  
3 pleadings of record, and any further submissions or argument of counsel, the Court finds that there is  
4 good reason to exclude certain opinion expert testimony of Defendant's experts Kevin M. Murphy  
5 and Robert H. Topel under *Daubert v. Merrell Dow Pharms*, 509 U.S. 579, 113 S. Ct. 2786, 125 L.  
6 Ed. 469 (1993), and Rule 702 of the Federal Rules of Evidence.

7           THEREFORE, IT IS HEREBY ORDERED that Plaintiffs' *Daubert* Motion to Exclude  
8 Certain Opinion Testimony of Kevin M. Murphy and Robert H. Topel is GRANTED.

9           IT IS SO ORDERED.

10 DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HON. YVONNE GONZALES ROGERS  
UNITED STATES DISTRICT JUDGE

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28