

1 ROBBINS GELLER RUDMAN  
 & DOWD LLP  
 2 BONNY E. SWEENEY (176174)  
 THOMAS R. MERRICK (177987)  
 3 ALEXANDRA S. BERNAY (211068)  
 CARMEN A. MEDICI (248417)  
 4 JENNIFER N. CARINGAL (286197)  
 655 West Broadway, Suite 1900  
 5 San Diego, CA 92101  
 Telephone: 619/231-1058  
 6 619/231-7423 (fax)  
 bonnys@rgrdlaw.com  
 7 tomm@rgrdlaw.com  
 xanb@rgrdlaw.com  
 8 cmedici@rgrdlaw.com  
 jcaringal@rgrdlaw.com

9 Class Counsel for Plaintiffs

10  
 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: )  
 ) ALL ACTIONS. )  
 18 \_\_\_\_\_ )  
 19 ) DECLARATION OF BONNY E. SWEENEY  
 20 ) IN SUPPORT OF PLAINTIFFS'  
 21 ) ADMINISTRATIVE MOTION TO FILE  
 22 ) PLAINTIFFS' MEMORANDUM OF LAW  
 23 ) IN OPPOSITION TO DEFENDANT'S  
 24 ) MOTION FOR SUMMARY JUDGMENT  
 AND TO EXCLUDE EXPERT TESTIMONY  
 OF ROGER G. NOLL; PLAINTIFFS'  
 RESPONSIVE SEPARATE STATEMENT IN  
 SUPPORT OF OPPOSITION TO  
 DEFENDANT'S MOTION FOR SUMMARY  
 JUDGMENT AND TO EXCLUDE EXPERT  
 TESTIMONY OF ROGER G. NOLL AND  
 EXHIBITS 1-4, 9-17, 20-29, 31-46, 48-54, 56,  
 AND 58-62 UNDER SEAL PURSUANT TO  
 CIVIL L.R. 7-11 AND 79-5(c)

25 DATE: February 18, 2014  
 26 TIME: 2:00 p.m.  
 27 CTRM: 5, 2nd Floor  
 28 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 Plaintiffs’ Memorandum of Law in Opposition to Defendant’s Motion for Summary Judgment  
9 and to Exclude Expert Testimony of Roger G. Noll; Plaintiffs’ Responsive Separate Statement in  
10 Support of Opposition to Defendant’s Motion for Summary Judgment and to Exclude Expert  
11 Testimony of Roger G. Noll and Exhibits 1-4, 9-17, 20-29, 31-46, 48-54, 56, and 58-62 attached to  
12 Declaration of Bonny E. Sweeney in Support of Plaintiffs’ Opposition to Defendant’s Motion for  
13 Summary Judgment and to Exclude Expert Testimony of Roger G. Noll (“Sweeney Opposition  
14 Declaration”). The documents at issue include material that has been designated confidential under  
15 the Stipulated Protective Order Regarding Confidential Information (“Protective Order”). It is  
16 plaintiffs’ understanding that Apple wishes the documents to remain confidential.

17 3. Such filing under seal is necessitated by the designation of certain documents that are  
18 quoted, paraphrased and referenced in Plaintiffs’ Memorandum of Law in Opposition to Defendant’s  
19 Motion for Summary Judgment and to Exclude Expert Testimony of Roger G. Noll; Plaintiffs’  
20 Responsive Separate Statement in Support of Opposition to Defendant’s Motion for Summary  
21 Judgment and to Exclude Expert Testimony of Roger G. Noll and Exhibits 1-4, 9-17, 20-29, 31-46,  
22 48-54, 56, and 58-62 attached to the Sweeney Opposition Declaration as “Confidential” by Apple.

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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2014, 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 January 13, 2014.

s/ Bonny E. Sweeney  
BONNY E. SWEENEY

ROBBINS GELLER RUDMAN  
& DOWD LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101-3301  
Telephone: 619/231-1058  
619/231-7423 (fax)  
  
E-mail: bonnys@rgrdlaw.com

# Mailing Information for a Case 4:05-cv-00037-YGR "The Apple iPod iTunes Anti-Trust Litigation"

## Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Amir Q Amiri**  
aamiri@jonesday.com, ttualaulelei@jonesday.com
- **Francis Joseph Balint , Jr**  
fbalint@bffb.com
- **Alexandra Senya Bernay**  
xanb@rgrdlaw.com
- **Michael D Braun**  
service@braunlawgroup.com
- **Michael D. Braun**  
service@braunlawgroup.com, clc@braunlawgroup.com
- **Jennifer N. Caringal**  
JCaringal@rgrdlaw.com
- **Todd David Carpenter**  
tcarpenter@bffb.com, pjohnson@bffb.com, rcreech@bffb.com
- **Andrew S. Friedman**  
khonecker@bffb.com, rcreech@bffb.com, afriedman@bffb.com
- **Alreen Haeggquist**  
alreenh@zhlaw.com, judyj@zhlaw.com, winkyc@zhlaw.com
- **Roy Arie Katriel**  
rak@katriellaw.com, rk618@aol.com
- **Thomas J. Kennedy**  
tkennedy@murrayfrank.com
- **David Craig Kiernan**  
dkiernan@jonesday.com, lwong@jonesday.com
- **Carmen Anthony Medici**  
cmedici@rgrdlaw.com, slandry@rgrdlaw.com
- **Thomas Robert Merrick**  
tmerrick@rgrdlaw.com, e\_file\_sd@rgrdlaw.com, e\_file\_sf@rgrdlaw.com

- **Caroline Nason Mitchell**  
cnmitchell@jonesday.com,mlandsborough@jonesday.com
- **Robert Allan Mittelstaedt**  
ramittelstaedt@jonesday.com,mlandsborough@jonesday.com,pwalter@jonesday.com
- **Brian P. Murray**  
bmurray@glancylaw.com
- **George A. Riley**  
griley@omm.com,lperez@omm.com,cchiu@omm.com
- **Elaine A. Ryan**  
eryan@bffb.com,nserden@bffb.com
- **Jacqueline Sailer**  
jsailer@murrayfrank.com
- **Michael Tedder Scott**  
mike.scott@dlapiper.com
- **Craig Ellsworth Stewart**  
cestewart@jonesday.com,mlandsborough@jonesday.com
- **Bonny E. Sweeney**  
bonnys@rgrdlaw.com,slandry@rgrdlaw.com,E\_file\_sd@rgrdlaw.com,ckopko@rgrdlaw.com
- **Helen I. Zeldes**  
helenz@zhlaw.com,winkyc@zhlaw.com,aarono@zhlaw.com

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