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2	Craig E. Stewart (State Bar No. 129530) cestewart@JonesDay.com David C. Kiernan (State Bar No. 215335) dkiernan@JonesDay.com Amir Q. Amiri (State Bar No. 271224) aamiri@JonesDay.com		
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5	JONES DAY 555 California Street, 26th Floor		
6 7	San Francisco, CA 94104 Telephone: +1.415.626.3939 Facsimile: +1.415.875.5700		
8	Attorneys for Defendant		
9	APPLE INC.		
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	OAKLAND DIVISION		
13			
14	THE APPLE IPOD ITUNES ANTITRUST LITIGATION	Case No. C-05-0037 YGR	
15	LITIGATION	[CLASS ACTION]	
16		i j	
17		DECLARATION OF DAVID C. KIERNAN IN SUPPORT OF	
18		APPLE'S OPPOSITION TO PLAINTIFFS' DAUBERT MOTION	
19		TEAM VIII S DAOBERT MOTION	
20			
21	I, David C. Kiernan, declare as follows:		
22	1. I am a partner of Jones day, counsel of record for Defendant Apple Inc. I am an		
23	active, licensed member of the State Bar of California. I make this declaration in support of		
24	Apple's Opposition to Plaintiffs' Daubert Motion to Exclude Certain Opinion Testimony of		
25	Kevin M. Murphy and Robert H. Topel. I am familiar with the file maintained by Jones Day in		
26	this matter. The facts stated in this declaration are true and based upon my own personal		
27	knowledge, and if called to testify to them, I would competently do so.		
28			
		Kiernan Decl. C-05-0037 YGR	

- 2. Attached hereto as **Exhibit 1** is a true and correct copy of portions of the transcript of the deposition of Kevin M. Murphy, Ph.D., conducted January 8, 2014. The full transcript is maintained by Jones Day in its files in the ordinary course of business.
- 3. Attached hereto as **Exhibit 2** is a true and correct copy of portions of the transcript of the deposition of Robert H. Topel, Ph.D., conducted January 8, 2014. The full transcript is maintained by Jones Day in its files in the ordinary course of business.
- 4. Attached hereto as **Exhibit 3** is a true and correct copy of Chapter 6 ("Econometrics and Regression Analysis") of the ABA Section of Antitrust Law, *Proving Antitrust Damages: Legal and Economic Issues*, 2d Ed. (ABA Publishing, 2010). A full copy of the book is available in Jones Day's legal library.
- 5. Attached hereto as **Exhibit 4** is a true and correct copy of Chapter 8 ("Nonstandard Standard Error Issues") of Angrist, Joshua and Jorn-Steffan Pischke, *Mostly Harmless Econometrics*, *An Empiricists Companion* (Princeton Univ. Press, 2009). Jones Day maintains this book in its files as part of its defense of Apple in this matter.
- 6. Attached hereto as **Exhibit 5** is a true and correct copy of the Preface and Chapter 20 ("Stratified Sampling and Cluster Sampling") of Wooldridge, Jeffrey M., *Econometric Analysis of Cross Section and Panel Data*, 2d Ed. (MIT Press, 2010). Jones Day maintains this book in its files as part of its defense of Apple in this matter.
- 7. Attached hereto as **Exhibit 6** is a true and correct copy of portions of the transcript of the deposition of Roger G. Noll, Ph.D., conducted January December 18, 2013. The full transcript is maintained by Jones Day in its files in the ordinary course of business.
- 8. Attached hereto as **Exhibit 7** is a true and correct copy of Cameron, Colin A. and Douglas Miller, *A Practitioner's Guide to Cluster-Robust Inference* (UC Davis, 2013). Jones Day maintains this article in its files as part of its defense of Apple in this matter.
- 9. Attached hereto as **Exhibit 8** is a true and correct copy of Solon, Gary and Steven J. Haider and Jeffrey M. Wooldridge, *What are we Weighting for?* (NBER, 2013). Jones Day maintains this article in its files as part of its defense of Apple in this matter.

1	10. Attached hereto as Exhibit 9 is a true and correct copy of portions of the transcript	
2	of the deposition of Roger G. Noll, Ph.D., conducted May 16, 2013. The full transcript is	
3	maintained by Jones Day in its files in the ordinary course of business.	
4	11. Attached as Exhibit 10 is a true and correct copy of Apple's Price Committee	
5	presentation, dated Aug. 16, 2007, bearing Bates stamp Apple_AIIA01276342. This document	
6	was produced to plaintiffs during the course of this litigation and is maintained by Jones Day in	
7	its files in the ordinary course of business.	
8	12. Attached hereto as Exhibit 11 is a true and correct copy of portions of the	
9	transcript of the deposition of Jeffrey M. Wooldridge, Ph.D., conducted Jan. 6, 2014. The full	
10	transcript is maintained by Jones Day in its files in the ordinary course of business.	
11	13. Attached hereto as Exhibit 12 is a true and correct copy of Hansen, Christian,	
12	Asymptotic Properties of a Robust Variance Matrix Estimator for Panel Data When T is Large,	
13	(J. Econometrics, 2007). Jones Day maintains this article in its files as part of its defense of	
14	Apple in this matter.	
15	I declare under penalty of perjury under the laws of the United States of America, that	
16	the foregoing is true and correct. Executed this 13th day of January, 2014 in San Francisco, CA.	
17	SFI-849031v1	
18	/s/ David Kiernan	
19	David C. Kiernan	
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