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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:)
)
 18 ALL ACTIONS.)
 19 _____)
 20)
 21)
 22)
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DECLARATION OF BONNY E. SWEENEY
 IN SUPPORT OF PLAINTIFFS'
 ADMINISTRATIVE MOTION TO FILE
 PLAINTIFFS' REPLY MEMORANDUM IN
 SUPPORT OF *DAUBERT* MOTION TO
 EXCLUDE CERTAIN OPINION
 TESTIMONY OF KEVIN M. MURPHY
 AND ROBERT H. TOPEL AND EXHIBIT 1
 UNDER SEAL PURSUANT TO CIVIL L.R.
 7-11 AND 79-5

DATE: TBD
 TIME: TBD
 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 Plaintiffs’ Reply Memorandum in Support of *Daubert* Motion to Exclude Certain Opinion
9 Testimony of Kevin M. Murphy and Robert H. Topel (“Reply”) and Exhibit 1 attached to
10 Declaration of Bonny E. Sweeney in Support of Plaintiffs’ Reply Memorandum in Support of
11 *Daubert* Motion to Exclude Certain Opinion Testimony of Kevin M. Murphy and Robert H. Topel
12 (“Sweeney Reply *Daubert* Declaration”). The documents at issue include material that has been
13 designated confidential under the Protective Order. It is plaintiffs’ understanding that Apple wishes
14 the documents to remain confidential.

15 3. Such filing under seal is necessitated by the designation of certain documents that are
16 quoted, paraphrased and referenced in the Reply and Exhibit 1 attached to the Sweeney Reply
17 *Daubert* Declaration as “Confidential” by Apple.

18 4. Under the terms of the existing Protective Order, plaintiffs are obligated to file the
19 Reply and Exhibit 1 attached to the Sweeney Reply *Daubert* Declaration, which reference
20 documents designated as “Confidential” under seal.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct. Executed this 31st day of January, 2014, at San Diego, California.

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s/ Bonny E. Sweeney
BONNY E. SWEENEY

1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 31, 2014, 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 January 31, 2014.

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

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

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Manual Notice List

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- (No manual recipients)