

1 Robert A. Mittelstaedt (State Bar No. 60359)
 ramittelstaedt@jonesday.com
 2 Craig E. Stewart (State Bar No. 129530)
 cestewart@jonesday.com
 3 David C. Kiernan (State Bar No. 215335)
 dkiernan@jonesday.com
 4 Amir Q. Amiri (State Bar No. 271224)
 aamiri@jonesday.com
 5 JONES DAY
 555 California Street, 26th Floor
 6 San Francisco, CA 94104
 Telephone: (415) 626-3939
 7 Facsimile: (415) 875-5700

8 Attorneys for Defendant
 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

14 THE APPLE IPOD iTUNES ANTI-TRUST
 LITIGATION.

Case No. C 05-00037 YGR

[CLASS ACTION]

**DECLARATION OF DAVID C.
 KIERNAN IN SUPPORT OF APPLE
 INC.'S L.R. 7-3(D)(1) OBJECTION TO
 THE SUPPLEMENTAL DECLARATION
 OF JEFFREY M. WOOLDRIDGE**

21 1. I am a partner in the law firm of Jones Day, located at 555 California Street, 26th
 22 Floor, San Francisco, CA 94104. I am a member in good standing of the State Bar of California
 23 and represent Apple, Inc. in this case. I submit this declaration in support of Apple's L.R. 7-
 24 3(D)(1) Objection to the Supplemental Declaration of Jeffrey M. Wooldridge, filed herewith.
 25 The facts stated in this declaration are true and based upon my own personal knowledge, and if
 26 called to testify to them, I would competently do so.

27 2. Attached hereto as Exhibit 1 are true and correct copies of document request and
 28 deposition subpoenas (and the service email) served on Plaintiffs' counsel via email on December

1 30, 2013 and January 2, 2014. These documents are maintained by Jones Day in its files in the
2 ordinary course of its business. The attached email also reflects subsequent messages sent to
3 plaintiffs' counsel regarding the deadline for document production, as necessitated by the fact that
4 Dr. Wooldridge's deposition date was not yet finalized when the subpoena was first served.

5 3. Attached hereto as Exhibit 2 is a true and correct copy of the responses to the
6 subpoenas (and the service email), executed by Jeffrey M. Wooldridge on January 7, 2014 and
7 served via email. This document is maintained by Jones Day in its files in the ordinary course of
8 its business.

9 4. The only document produced pursuant to the document subpoena was a copy of
10 the engagement letter between plaintiffs' counsel and Dr. Wooldridge, on January 6, 2014 during
11 the deposition of Dr. Wooldridge. A copy of this letter was subsequently served via email on
12 January 7, as indicated in Exhibit 2 above.

13 5. No other documents were produced prior to the service of Dr. Wooldridge's
14 supplemental declaration, dated January 31, 2014.

15 Executed this 7th day of February, 2014 in San Francisco, California.

17 /s/ David C. Kiernan

18 David C. Kiernan

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