

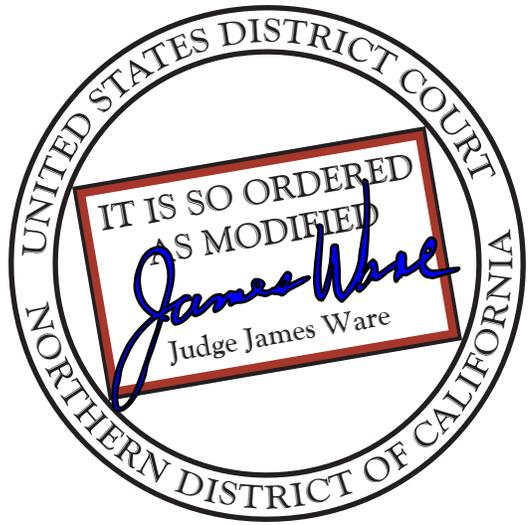
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11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 STACIE SOMERS, On Behalf of Herself and)
 All Others Similarly Situated,)
 17)
 Plaintiff,)
 18)
 vs.)
 19)
 20)
 21 APPLE, INC., a California Corporation,)
)
 22 Defendant.)
 23)



Case No. C 07-6507 JW
 CLASS ACTION
 STIPULATION AND [PROPOSED] ORDER
 MODIFYING CLASS CERTIFICATION
 BRIEFING SCHEDULE

1 1. The Court will hear the Motion for Class Certification in the related action
2 *The Apple iPod iTunes Anti-Trust Litigation*, No. C-05-00037-JW (“Direct Purchasers
3 Case”) on December 15, 2008.

4 2. Under the current pretrial schedule ordered by the Court on August 20,
5 2008, Plaintiff in *Somers v. Apple, Inc.*, No. C-07-6507-JW (“Indirect Purchasers Case”) is
6 required to file her Motion for Class Certification on or before December 1, 2008;
7 Defendant is required to file its opposition on or before February 12, 2009; and Plaintiff is
8 required to file her reply brief to Defendant’s opposition on or before March 30, 2009; and
9 the Court shall hold a hearing on Plaintiff’s Motion for Class Certification on April 20,
10 2009 at 9 a.m.

11 3. Because the current schedule requires Plaintiff in the Indirect Purchasers
12 Case to file her Motion for Class Certification before the Court will hear or rule on the
13 Direct Purchasers’ class certification motion in the related case, the parties request an
14 additional extension in the class certification briefing and related hearing schedule in the
15 Indirect Purchasers Case..

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
17 among the parties, through their undersigned counsel, that good cause exists to modify the
18 class certification schedule as follows:

19 4. Plaintiff shall file her Motion for Class Certification on or before
20 **January 12, 2009.**

21 5. Defendant shall file its opposition on or before **March 9, 2009.**

22 6. Plaintiff shall file her reply brief to Defendant’s opposition on or before
23 **April 17, 2009.**

24 7. The Court shall hold a hearing on Plaintiff’s Motion for Class Certification
25 **May 4, 2009 at 9 a.m.**

1 IT IS SO STIPULATED.

2
3 Dated: November 10, 2008 /s/ Alreen Haeggquist
4 Alreen Haeggquist (221858)
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12 Dated: November 10, 2008 /s/ Tracy M. Strong
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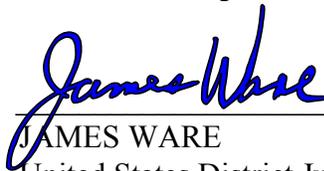
20 *** **ORDER AS MODIFIED ABOVE** ***

21 In addition to the briefing schedule modified above, the Court orders as follows:

22 Upon completion of the briefs, the moving party shall compile a three ring binder
23 containing (1) the motion and any supporting memorandum of law; (2) the opposition
24 memorandum; (3) any reply memorandum; and (4) any exhibits in support or opposition to the
25 motion, which shall be clearly labeled.

26 Two copies of the binders, marked, "Chambers' Copies," shall be delivered to the Court (by
27 way of the Clerk's Office) on or before **April 24, 2009 at 3 p.m.**

28 Dated: November 17, 2008



JAMES WARE
United States District Judge