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9 Attorneys for Defendant  
 APPLE INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

14 DAVID WALSH, an individual, on behalf of  
 himself, and on behalf of all persons similarly  
 15 situated,  
 16 Plaintiff,  
 17 v.  
 18 APPLE INC.; and DOES 1-10,  
 19 Defendants.

CASE NO. C 08-04918 JF

**DECLARATION OF JOSEPH C.  
 LIBURT IN SUPPORT OF  
 STIPULATION CONTINUING  
 INITIAL CASE MANAGEMENT  
 CONFERENCE AND ASSOCIATED  
 DEADLINES**

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1 I, Joseph C. Liburt, hereby declare:

2 1. I am a member of the State Bar of California and am authorized to practice  
3 before this Court. I am a partner in the law firm of Orrick, Herrington & Sutcliffe LLP,  
4 attorneys of record for defendant Apple Inc. (“Apple” or “Defendant”) in this action. I  
5 make this declaration in support of the Stipulation Continuing Initial Case Management  
6 Conference and Associated Deadlines, filed concurrently herewith. The facts set forth in  
7 this declaration I know to be true of my own personal knowledge, except where such facts  
8 are stated to be based on information and belief, and those facts I believe to be true. If  
9 called as a witness I could and would testify competently to the matters set forth in this  
10 declaration.

11 2. Under the Court’s October 28, 2008 Scheduling Order, the case  
12 management conference is set for April 17, 2009; the last day for a Rule 26(f) conference  
13 is March 27, 2009; and the last day to file the case management statement, initial  
14 disclosures and Rule 26(f) Report is April 10, 2009.

15 3. The parties are scheduled to attend private mediation on this matter on  
16 April 10, 2009.

17 4. On March 16, 2009, the Court granted Apple’s Motion for a More Definite  
18 Statement and ordered Plaintiffs to file an amended complaint within 30 days of the date  
19 of the order.

20 5. The parties believe it would be more efficient to postpone the currently  
21 scheduled CMC until after the scheduled mediation and after the amended complaint is  
22 filed.

23 6. Pursuant to General Order No. 45, I attest that concurrence in the filing of the  
24 Stipulation has been obtained from the other signatories which shall serve in lieu of their  
25 signatures on the document.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed in Menlo Park, California on March 25, 2009.

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/s/  
Joseph C. Liburt