EXHIBIT G

TO THE DECLARATION OF COLIN B. VANDELL IN SUPPORT OF NON-PARTY STEVE JOBS'S OBJECTION TO ORDER DENYING MR. JOBS'S MOTION FOR PROTECTIVE ORDER TO QUASH "APEX" DEPOSITION SUBPOENA

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March 13, 2008

VIA EMAIL AND FIRST CLASS MAIL
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Daniel Scott Schecter, Esq.
Latham & Watkins
633 West Fifth Street, Suite 4000
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Re: *F.B.T. Prods. LLC v. Aftermath Records* - Case No. CV07-3314 PSG(MANx)

Dear Mr. Schecter:

I write to you in response to your letter of March 10, 2008 pursuant to Northern District of California Local Rule 37-1 regarding our request to depose Steve Jobs, of Apple, Inc. On March 3, 2008, we served a notice of deposition for Mr. Jobs on your law firm. Mr. Jobs' deposition is currently scheduled for March 27, 2008.

Your letter opposes the taking of Mr. Jobs' deposition and states that the deposition is "absolutely precluded as a matter of law." Your letter cites to the case of Thomas v. Int'l Bus. Machs., a Tenth Circuit case dealing with the "apex" deposition. Thomas v. IBM is distinguishable from this matter for several reasons: 1) the Plaintiff in Thomas violated local rules concerning time requirements for noticing a deposition, 2) Akers, the Chairman of IBM's Board of Directors, provided a declaration stating that he did not have any personal knowledge regarding the matters at issue in the case, and 3) the Plaintiff had not made attempts to gather the information using less intrusive means. Thomas is also distinguishable because it refers to the deposition of an officer of a party defendant. In this case, Apple is a third party. Moreover, as you implicitly recognize, there is no Ninth Circuit case law on this issue.

Recent district court cases within the Ninth Circuit have discussed the "apex" deposition rule. In Webside Story v. NetRatings,Inc., the Southern District of California stated that there were two prongs to the "apex" rule: 1) Whether or not the high-level deponent has unique, first hand, non-repetitive knowledge of the facts at issue, and 2) whether the party seeking the deposition has exhausted other less intrusive discovery methods. Webside Story v. NetRatings, Inc., 2007 U.S. Dist. Lexis 20481, (S.D.Cal. 2007).

In Celerity, Inc. v. Ultra Clean Holding, Inc., the Northern District of California discussed the "apex" rule in the context of a deposition of a notice of deposition to CEO of Celerity. Celerity, Inc. v. Ultra Clean Holding, Inc., 2007 U.S. Dist. Lexis 8295 (N.D. Cal. 2007). In that case, the court noted that the "apex" rule was not an absolute bar to the deposition of the CEO and stated that Ultra Clean could renew its notice of deposition after less intrusive methods failed to provide the discovery being sought.

Our request to depose Mr. Jobs is distinguishable from the cases discussed above. In this case, we have given proper notice in compliance with the local rules. Less intrusive methods are not available as Rule 33, Federal Rules of Civil Procedure limits interrogatories to being served only on parties to the litigation. In this matter, Apple is a non-party. Furthermore, we have attempted to use subpoenas *duces tecum* to obtain related documents. As you know from previous meet and confer sessions, you have adamantly refused to either locate and/or produce such documents.

Depositions of lower level Apple employees would not be sufficient. The discovery that we are seeking is based on an essay authored by Mr. Jobs himself in which he discussed his thoughts on the current state of the industry with regards to Digital Rights Management. As a result, Mr. Jobs' knowledge is uniquely personal and not available by deposing a lower-level employee.

You stated in your letter that our deposition notice to Mr. Jobs "smacks of harassment." This is not the case. Typically, the "apex" rule is invoked in cases where one party seeks to depose a high ranking official of the other party who has limited knowledge of the relevant facts, where there is at least an implied improper strategic purpose. Apple is not a party to this litigation. As a result, the deposition subpoena served on Mr. Jobs serves no improper (or even any) strategic purpose. We simply need Mr. Jobs to testify concerning the essay that he personally authored and his statements which are directly relevant and essential to this case.

In an effort to come to a reasonable accord, we would agree to reasonable limitations concerning the length and the location of the depositions. If Mr. Jobs does not appear at his noticed deposition, we will move to compel and seek sanctions. Please contact me to confer regarding this dispute in accordance with the requirements of Local Rule 37-1. I can be reached at (858) 597-6000.

Very truly yours,

Paul H. Duvall

PHD:sj