1 Robert A. Mittelstaedt #060359
 Caroline N. Mitchell #143124

2 Tracy M. Strong #221540
 JONES DAY

3 555 California Street, 26th Floor
 San Francisco, CA 94104

4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700

5 ramittelstaedt@jonesday.com
 cnmitchell@jonesday.com

6 tstrong@jonesday.com

7 Attorneys for Defendant
 APPLE COMPUTER, INC.

8

9

       UNITED STATES DISTRICT COURT

10

      NORTHERN DISTRICT OF CALIFORNIA

11

        SAN JOSE DIVISION

12

13

14 **THOMAS WILLIAM SLATTERY,**   Case No. C 05 00037 JW
 Individually, And On Behalf Of All
 Others Similarly Situated,   **CLASS ACTION**

15

16   **Plaintiff,**   **DECLARATION OF TRACY M. STRONG**
               IN SUPPORT OF APPLE COMPUTER,
    v.   **INC.'S OPPOSITION TO MOTION FOR**

17   **LEAVE TO FILE SECOND AMENDED**
 APPLE COMPUTER, INC.,   **COMPLAINT**

18

    Defendant.   Date: May 8, 2006

19   Time: 9:00 a.m.
               Place: Courtroom 8, 4th Floor

20

21

22

23   I, Tracy M. Strong, declare:

24   1. I am an associate in the law firm of Jones Day, located at 555 California Street,

25 26th Floor, San Francisco, California, 94104, a member in good standing of the State Bar of

26 California, and one of the attorneys of record in this case for defendant. I have personal

27 knowledge of the facts set forth herein and, if called as a witness, I could and would competently

28

SFI-540480v1   C 05 00037 JW
                 DECL. OF TRACY M. STRONG

testify thereto. I make this declaration in support of defendant's opposition to plaintiff's motion for leave to file a second amended complaint.

2.   Attached hereto as Exhibit A are true and correct copies of emails dated February 3 and February 15, 2006 between Jones Day and Roy Katriel, counsel for plaintiff, regarding plaintiff's insufficient responses to defendant's document requests.

I declare under penalty of perjury of the laws of California and the United States of America that the foregoing is true and correct of my personal knowledge. Executed this 17th day of April, 2006 at San Francisco, California.

_____
Tracy M. Strong

SFI-540480v1

C 05 00037 JW
DECL. OF TRACY M. STRONG