

1 **MILBERG LLP**  
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11 *Attorneys for Plaintiff*

12 [Additional Counsel on Signature Page]

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

16 IN RE IPHONE APPLICATION )  
 17 LITIGATION )

CASE NO. 5:10-cv-05878-LHK (PSG)

18 )  
 19 ) **DECLARATION OF JEFF S.**  
 20 ) **WESTERMAN IN SUPPORT OF**  
 21 ) **PLAINTIFF ANTHONY CHIU'S**  
 22 ) **RECOMMENDATION THAT**  
 23 ) **MILBERG LLP BE APPOINTED**  
 24 ) **INTERIM CLASS COUNSEL,**  
 25 ) **SUBMITTED PURSUANT TO COURT**  
 26 ) **ORDER DATED MARCH 15, 2011**

27 Date: TBA

28 Time: TBA

Judge: Hon. Lucy H. Koh

DECL. OF WESTERMAN ISO PLTF CHIU'S RECOMMENDATION THAT MILBERG LLP BE APPOINTED AS INTERIM CLASS COUNSEL, SUBMITTED PURSUANT TO COURT ORDER DATED MARCH 15, 2011 C.A. No. 5:10-cv-05878-LHK (PSG)	
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1 I, Jeff S. Westerman, declare:

2 1. I am a member of the Bar of the State of California and member of the law firm of  
3 Milberg LLP (“Milberg” or the “firm”). I make this declaration in support of Plaintiff Anthony  
4 Chiu’s Recommendation That Milberg LLP Be as Interim Class Counsel, Submitted Pursuant to  
5 Court Order Dated March 15, 2011.

6 2. The matters stated herein are true of my personal knowledge or information and  
7 belief and, if called upon, I would competently testify thereto.

8 3. Before filing Mr. Chiu’s complaint, Milberg worked with Peter Eckersley, a top  
9 expert in the Internet privacy field, who analyzed the mechanisms through which Apple  
10 unlawfully disclosed to third parties the personally identifiable information at issue in this  
11 litigation.

12 4. Milberg’s attorneys and the firm’s in-house litigation support professionals have  
13 already met and conferred to discuss which software programs and litigation support tools would  
14 be best-suited for litigation against Apple, Inc. and the other Defendants.

15 5. Co-Plaintiff counsel, Scott Kamber and I had several conversations about the  
16 leadership structure for this case, and jointly agreed to the submission of the Order for this  
17 protocol. Our discussion also included a conversation with other firms with complaints on file.  
18 We have not reached a resolution as of the filing of these papers.

19 6. Milberg has commenced preparation of a consolidated amended complaint with  
20 the understanding that once the Court appoints Interim Class Counsel, a Consolidated Amended  
21 Complaint is to be filed within twenty-one (21) days of these cases being the appointment of  
22 Interim Class Counsel.

23 7. Attached as Exhibit A is a true and correct copy of the Curriculum Vitae of Peter  
24 Eckersley, Senior Staff Technologist for the Electronic Frontier Foundation.

25 8. Attached as Exhibit B are true and correct copies of letters exchanged between  
26 Milberg LLP and Hogan Lovells US LLP, counsel for Defendant Apple, dated March 18, 2011,  
27 and March 21, 2011, respectively.

1 9. Attached as Exhibit C is Milberg’s e-discovery brochure.

2 10. Attached as Exhibit D is the firm résumé of Milberg LLP.

3 11. Attached as Exhibit E are true and correct copies of *The National Law Journal*’s  
4 “Plaintiffs’ Hot List” for 2009 and 2010.

5 12. Attached as Exhibit F are true and correct copies of Institutional Shareholder  
6 Services Inc.’s Securities Class Action Services reports, including: the Top SCAS 50 for 2010,  
7 the SCAS 100 for Q2 2010, and the SCAS 50 for 2009.

8 13. Attached as Exhibit G is a true and correct copy of “Plaintiffs Securities Firms Of  
9 The Year,” *Law360*, as published January 1, 2010.

10 14. Attached as Exhibit H is a true and correct copy of the “2010 Complex Court  
11 Symposium” brochure sponsored by the Los Angeles County Bar Association, the Association of  
12 Business Trial Lawyers (“ABTL”) and others, at which I was a moderator of a panel with  
13 Complex Court judges from around the state. This program is put on every other year. In 2008,  
14 I was the overall Chair of the program and a moderator.

15 15. Attached as Exhibit I is a press release prepared by Milberg describing the *In re*  
16 *Vivendi Universal, S.A., Securities Litigation* trial victory.

17 I declare under penalty of perjury under the laws of United States that the foregoing is  
18 true and correct.

19 Executed this 25th day of March, 2011, at Los Angeles, California.

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*/s/ Jeff S. Westerman*

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Jeff S. Westerman

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DECLARATION OF SERVICE BY CM/ECF AND/OR MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071-3149.

2. Declarant hereby certifies that on March 25, 2011, declarant served the DECLARATION OF JEFF S. WESTERMAN IN SUPPORT OF PLAINTIFF ANTHONY CHIU'S RECOMMENDATION THAT MILBERG LLP BE APPOINTED AS INTERIM CLASS COUNSEL, SUBMITTED PURSUANT TO COURT ORDER DATED MARCH 15, 2011 by electronically filing the foregoing document listed above by using the Case Management/ Electronic Case filing system.

3. Declarant further certifies:

All participants in the case are registered CM/ECF users and that service will be accomplished by the court's CM/ECF system

Participants in the case who are registered CM/ECF users will be served by the court's CM/ECF system. Participants in the case that are not registered CM/ECF users will be served by First-Class Mail, postage pre-paid or have dispatched to a third-party commercial carrier for delivery to the non-CM/ECF participants as addressed and listed below:

Michael L. Charlson  
Norman J. Blears  
HOGAN LOVELLS US LLP  
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norman.blears@hoganlovells.com

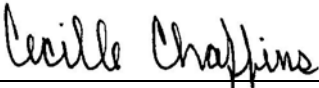
Howard S. Caro  
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San Francisco, California 94111  
P: 415.374.2300  
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howard.caro@hoganlovells.com

4. That there is a regular communication by mail between the place of mailing and the places so addressed.

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5. That on the above date, declarant served via e-mail to: scac@law.stanford.edu.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of March, 2011, at Los Angeles, California.



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CECILLE CHAFFINS