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14 Attorneys for SAMSUNG ELECTRONICS CO.,

LTD., SAMSUNG ELECTRONICS AMERICA,

15 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a

Korean business entity; SAMSUNG

24 ELECTRONICS AMERICA, INC., a New

York corporation; SAMSUNG

25 TELECOMMUNICATIONS AMERICA,

LLC, a Delaware limited liability company,

26

27 Defendant.

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CASE NO. 11-cv-01846-LHK

**DECLARATION OF RACHEL HERRICK
KASSABIAN IN SUPPORT OF
SAMSUNG'S OPPOSITION TO APPLE'S
MOTION TO SHORTEN TIME FOR
BRIEFING AND HEARING ON APPLE'S
MOTION TO COMPEL DEPOSITIONS
OF 14 OF SAMSUNG'S "APEX"
EXECUTIVES**

1 I, Rachel Herrick Kassabian, declare:

2 1. I am a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
4 Telecommunications America, LLC (collectively “Samsung”) in this action. I have personal
5 knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and
6 would testify to such facts under oath.

7 2. Samsung first raised its apex objections in early January 2012, in response to the
8 apex notices Apple had served as of that time. During the lead counsel meet and confer on
9 January 5, 2012, Samsung’s counsel explained that it would be objecting to those deposition
10 notices; then again on January 13, 2012, Samsung more specifically identified its apex objections
11 in relation to at least one of Samsung’s executives that had been noticed as of that date. Apple
12 served several additional apex deposition notices thereafter.

13 3. Samsung has noticed the depositions of Apple CEO Tim Cook, and Apple Senior
14 Vice Presidents Bruce Sewell and Jeff Williams. Though Samsung tried to raise these deposition
15 notices during the February 14 lead counsel meet and confer session, Apple indicated only that it
16 is considering them, and has not yet formally responded to these notices.

17 4. At the parties’ lead counsel meet and confer session on February 14, Samsung’s
18 counsel attempted to engage Apple’s counsel in a merits discussion of the apex issue. More
19 specifically, Samsung pointed out that the evidence Apple had offered to date did not reflect that
20 any of the 14 apex executives at issue possessed unique knowledge , and asked for a response.
21 Apple refused, stating only that its position was laid out in its February 9 letter. Samsung also
22 pointed out that Apple had recently cancelled the depositions of several lower-level employees
23 who reported (directly or indirectly) to these apex executives, and asked why Apple had done so
24 and why that didn’t defeat Apple’s demand for these apex depositions. Apple responded only that
25 it had done so for “strategic” reasons, and would not discuss the matter further, demanding instead
26 that the parties move on to the next issue. During this same meeting Samsung also offered to drop
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1 its apex objections to three executives, and asked Apple if it would drop other of its apex notices
2 in return. Apple again refused.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed in San
4 Francsico, California on February 16, 2012.

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Rachel Herrick Kassabian