

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

)
 J.T.COLBY & COMPANY, INC. d/b/a/)
 BRICKTOWER PRESS, J. BOYLSTON &)
 COMPANY, PUBLISHERS LLC and)
 IPICTUREBOOKS LLC,)
)
 Plaintiffs,)
)
 -against-)
)
 APPLE INC.,)
)
 Defendant.)

Case No. 11 Civ. 4060 (DLC)

DECLARATION OF CLAUDIA T. BOGDANOS
IN OPPOSITION TO DEFENDANT’S MOTION TO EXCLUDE
ANY TESTIMONY, ARGUMENT OR EVIDENCE REGARDING THE EXPERT
REPORT AND OPINIONS OF MIKE SHATZKIN

I, Claudia T. Bogdanos, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years old and I am competent to make this declaration based upon my personal knowledge. I make this Declaration in opposition to Defendant’s Motion To Exclude Any Testimony, Argument Or Evidence Regarding The Expert Report And Opinions Of Mike Shatzkin, cited in the accompanying memorandum of law (“Plaintiffs’ Memorandum”).
2. I am an attorney at Quinn Emanuel Urquhart & Sullivan, LLP. I am admitted to the New York bar and am currently in good standing.
3. Attached hereto as **Exhibit A** is a true and correct copy of the Expert Report of Mike Shatzkin, dated October 24, 2012, and accompanying exhibits.
4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the deposition of Mike Shatzkin, dated December 4, 2012.

5. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the deposition of Gregory S. Carpenter, dated November 21, 2012.

6. Attached hereto as **Exhibit D** is a true and correct copy of Plaintiffs' Responses And Objections To Defendant Apple Inc.'s Second Set Of Interrogatories and Declaration of Service, served on Defendant July 16, 2012, which was accompanied by an electronic file referred to in Plaintiffs' Memorandum as the "July Spreadsheet."

7. Attached hereto as **Exhibit E** is a true and correct copy of correspondence sent by Plaintiffs' counsel to Defendant's counsel, dated March 22, 2012.

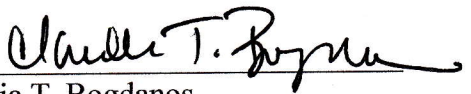
8. Attached hereto as **Exhibit F** is a true and correct copy of correspondence sent by Defendant's counsel to Plaintiffs' counsel, dated August 1, 2012.

9. Attached hereto as **Exhibit G** is a true and correct copy of correspondence sent by Plaintiffs' counsel to Defendant's counsel, dated August 3, 2012.

10. Attached hereto as **Exhibit H** is a true and correct copy of correspondence sent by Plaintiffs' counsel to Defendant's counsel, dated August 20, 2012, which attached an electronic file referred to in Plaintiffs' Memorandum as the "August Spreadsheet."

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

Executed this 25th day of January, 2013 in New York, New York.


Claudia T. Bogdanos