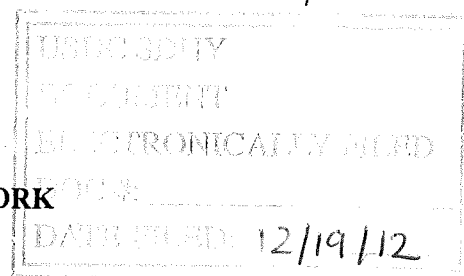


COTE, J

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**



UNITED STATES OF AMERICA,

Plaintiff,

v.

APPLE, INC., et al.

Defendants.

Civil Action No. 12-CV-2826

STATE OF TEXAS et al.,

Plaintiffs,

v.

PENGUIN GROUP (USA), INC. et al.,

Defendants.

Civil Action No. 12-CV-3394

IN RE ELECTRONIC BOOKS  
ANTITRUST LITIGATION

Civil Action No. 11-MD-2293

This document relates to:

ALL ACTIONS

**JOINT STIPULATION AND ~~PROPOSED~~ ORDER REGARDING DATE FOR  
EXCHANGE OF INITIAL TRIAL WITNESS LISTS**

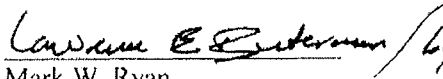
WHEREAS, Attachment A to the Revised Joint Initial Report, entered on July 6, 2012, currently sets a date of December 18, 2012 for the exchange of initial trial witness lists between the parties (Docket No. 111-1);

WHEREAS, such date was mutually agreed to by the parties;

NOW, THEREFORE, the parties to this Joint Stipulation and Proposed Order, by and through their undersigned counsel, hereby stipulate that the date for exchange of initial trial witness lists for the trial commencing June 3, 2013 shall be changed to February 15, 2013. For the avoidance of doubt, this stipulation does not pertain to the trial in the class litigation, *In re Electronic Books Antitrust Litigation*, 11-md-02293, or to any trial on damages in the States' action, *State of Texas et al. v. Penguin Group (USA), Inc. et al.*, 12-cv-03394.

Dated: December 18, 2012

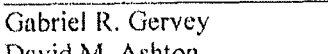
Respectfully submitted,

 by STF

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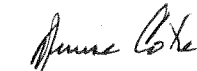
*Attorneys for Plaintiff United States of America*

Respectfully submitted,

  
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*Attorneys for the State of Texas*

*So ordered.*

  
*December 19, 2012*

WHEREAS, such date was mutually agreed to by the parties;

NOW, THEREFORE, the parties to this Joint Stipulation and Proposed Order, by and through their undersigned counsel, hereby stipulate that the date for exchange of initial trial witness lists for the trial commencing June 3, 2013 shall be changed to February 15, 2013. For the avoidance of doubt, this stipulation does not pertain to the trial in the class litigation, *In re Electronic Books Antitrust Litigation*, 11-md-02293, or to any trial on damages in the States' action, *State of Texas et al. v. Penguin Group (USA), Inc. et al.*, 12-cv-03394.

Dated: December 18, 2012

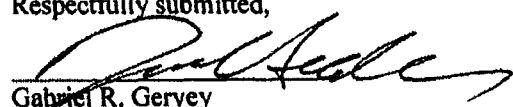
Respectfully submitted,

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Respectfully submitted,



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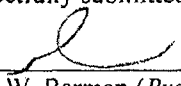
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*On Behalf of the Plaintiff States*

Respectfully submitted,



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*Co-Lead Counsel for Plaintiffs*

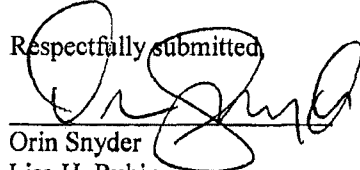
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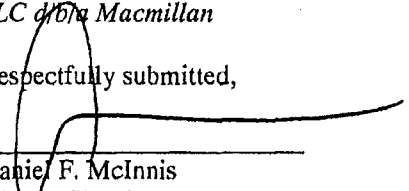
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*Attorneys for Defendant Penguin Group (USA), Inc.*

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Denise L. Cote  
United States District Judge

*ry*