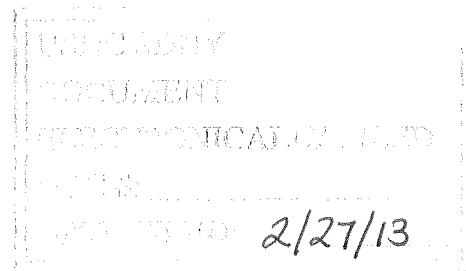


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X	:	
IN RE: ELECTRONIC BOOKS ANTITRUST	:	11 MD 2293 (DLC)
LITIGATION	:	
-----X	:	
UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
-v-	:	
APPLE, INC., et al.,	:	12 Civ. 2826 (DLC)
Defendants.	:	
-----X	:	
THE STATE OF TEXAS, et al.,	:	
Plaintiffs,	:	
-v-	:	12 Civ. 3394 (DLC)
PENGUIN GROUP (USA) INC., et al.	:	
Defendants.	:	<u>Order</u>
-----X	:	

DENISE COTE, District Judge:

For the reasons stated on the record at the telephone conference held in the above-captioned matters on February 26, 2013, it is hereby

ORDERED that defendant Apple's challenge to non-party Amazon's invocation of the attorney-client privilege is denied.

IT IS FURTHER ORDERED that defendant Penguin's request not to participate in the June 2013 trial is denied.

IT IS FURTHER ORDERED that Penguin shall provide its initial witness list by **March 1, 2013**. To the extent that


Penguin wishes to file a motion (i) to assert its right not to defend against the lawsuit brought by plaintiff States at the June 2013 trial and/or (ii) to request to hear live direct testimony of two Penguin executives in exception to the Court's Individual Practices, that motion is due **March 15, 2013**.

Opposition by plaintiff States and by any parties in related litigation is due **March 29, 2013**. Penguin's reply, if any, is due **April 5, 2013**.

IT IS FURTHER ORDERED that at the time any reply is served, the moving party shall supply two courtesy copies of all motion papers to Chambers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED:

Dated: New York, New York
February 27, 2013



DENISE COTE
United States District Judge