

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

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UNITED STATES OF AMERICA,))
)	Case No.: 12-CV-2826
Plaintiff,))
)	Judge: Denise L. Cote
v.))
))
APPLE, INC.,))
HACHETTE BOOK GROUP, INC.,))
HARPERCOLLINS PUBLISHERS L.L.C.,))
VERLAGSGRUPPE GEORG VON))
HOLTZBRINCK GMBH,))
HOLTZBRINCK PUBLISHERS, LLC))
d/b/a MACMILLAN))
THE PENGUIN GROUP,))
A DIVISION OF PEARSON PLC,))
PENGUIN GROUP (USA) PLC, and))
SIMON & SCHUSTER, INC.))
))
Defendants.))
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**CERTIFICATION OF DEFENDANT PENGUIN
PURSUANT TO 15 U.S.C. §16(g)**

Pursuant to 15 U.S.C. § 16(g), defendants The Penguin Group, a division of Pearson plc and Penguin Group (USA), Inc. (collectively “Penguin”) state that no written or oral communications occurred by, or on behalf of, Penguin with an officer or employee of the United States concerning, or relevant to, the Proposed Final Judgment, other than communications made by counsel of record alone with employees of the United States Department of Justice, except as follows:

1. As part of the litigation in this matter (and other consolidated matters), Penguin counsel of record and Penguin had communications with the following United States Department of Justice attorneys during the following Penguin depositions: Lawrence E. Buterman, Mark W. Ryan, and Tor Winston at the Tim McCall 30(b)(6) deposition on November 30, 2012; Benjamin Sirota and Lawrence E. Buterman at the Genevieve Shore deposition on December

5, 2012; Benjamin Sirota at the Tim McCall deposition on January 30, 2013, the Coram Williams deposition on February 12, 2013, the Richard Heffernan deposition on March 1, 2013, the John Makinson deposition on March 15, 2013, and the David Shanks 30(b)(6) deposition on March 21, 2013; Lawrence E. Buterman at the David Shanks deposition on March 20, 2013; and Anupama Sawkar at the Susan Kennedy deposition on March 21, 2013. These “communications” were not *about* the Proposed Final Judgment but arguably are relevant and therefore are listed here as for sake of completeness.

2. From approximately November 28, 2012 through the filing of the Proposed Final Judgment, counsel of record for Penguin engaged in communications with officers or employees of the United States Department of Justice.

