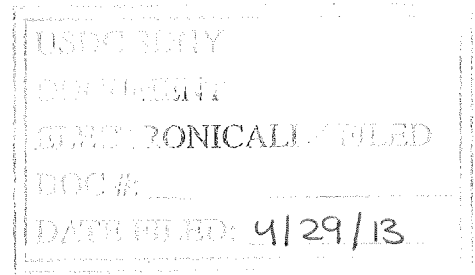


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
:  
UNITED STATES OF AMERICA,  
:  
Plaintiff,  
:  
-v-  
:  
APPLE, INC., et al.,  
:  
Defendants.  
:  
-----X

12 Civ. 2826 (DLC)

ORDER

THE STATE OF TEXAS, et al.,  
:  
Plaintiffs,  
:  
-v-  
:  
PENQUIN GROUP (USA) INC., et al.,  
:  
Defendants.  
:  
-----X

12 Civ. 3394 (DLC)

DENISE COTE, District Judge:

On April 26, 2013, parties in the above-captioned matters submitted a proposed joint pretrial order ("PTO") to govern the trial scheduled to begin in these cases on June 3, 2013. The PTO indicated inter alia that Count IV of plaintiff States' ("States") second amended complaint will be tried at the forthcoming June 3 trial. It is hereby

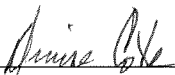
ORDERED that, if the States wish to proceed on their Count IV state law claims, the States shall file by **May 6, 2013** a supplemental brief providing, at minimum: (i) copies of any relevant state statutes in effect at the time of the alleged misconduct, (ii) citations to opinions, preferably from a

state's highest court, describing the elements of the state law cause of action, and (iii) authority describing the extent to which any finding under Section 1 of the Sherman Act might affect those state law claims.

IT IS FURTHER ORDERED that any responsive defendants' brief shall be filed by **May 17, 2013**.

SO ORDERED:

Dated:       New York, New York  
              April 29, 2013

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge