

# Joint Pretrial Order

No. 12-cv-2826 (DLC)/No. 12-cv-3394 (DLC)

## Exhibit B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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IN RE: ELECTRONICS BOOKS  
ANTITRUST LITIGATION

Civil Action No. 11-md-02293 (DLC)

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United States of America

Plaintiff,

v.

Apple Inc., et al.

Defendants.

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Civil Action No. 12-cv-02826 (DLC)

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The State of Texas, et al.,

Plaintiffs,

v.

Penguin Group (USA), Inc., et al.,

Defendants.

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Civil Action No. 12-cv-03394 (DLC)

STIPULATION

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys for Class Plaintiffs; plaintiff United States of America; Plaintiff States; defendants Apple Inc., Penguin Group (USA), Inc., HarperCollins Publishers L.L.C., Hachette Book Group, Inc., Simon & Schuster, Inc. and Simon & Schuster Digital Sales, Inc. (collectively, the "Parties"); and non-party Walter Isaacson ("Isaacson"):

1. Class Plaintiffs have directed two subpoenas to non-party Isaacson: a document subpoena dated May 23, 2012, and a deposition subpoena dated February 6, 2013 (together, the "Subpoenas").

2. Class Plaintiffs will withdraw the Subpoenas.

3. Isaacson will provide the Parties with a declaration, pursuant to 28 U.S.C. § 1746 (the "Declaration"), verifying that the published statements attributed to Steve Jobs that appear on pages 503 and 504 of the biography, *Steve Jobs*, published in 2011 (the "Statements"), accurately reflect statements made by Steve Jobs.

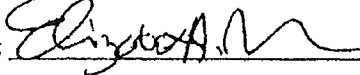

4. Based on the Declaration, the Parties agree to the authenticity of the Statements.

5. Should the Statements be offered in evidence in this action, none of the Parties will challenge the authenticity of the Statements, including that they were taken out of context or are incomplete.

6. The Parties expressly reserve any and all other arguments concerning the admissibility of the Statements, including any challenges to the Statements as hearsay.

7. This stipulation may be executed in counterparts and facsimile or PDF copies of the signature pages of this stipulation are deemed as originals for the purposes of any filing or judicial endorsement.

Dated: February 25, 2013

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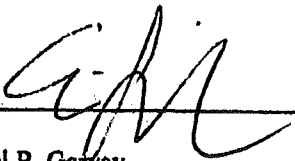
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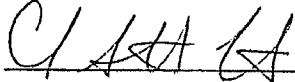
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