

**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 (DLC)

THE STATE OF TEXAS;)
 THE STATE OF CONNECTICUT; et al)
)
 Plaintiffs,)
)
 v.)
)
 PENGUIN GROUP (USA) INC. et al,)
)
 Defendants.)

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

**PLAINTIFFS' PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**