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Chief Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE ELECTRONIC BOOKS ANTITRUST  
LITIGATION

No. 12-mc-00186-MJP

**APPLICATION FOR LEAVE TO  
APPEAR PRO HAC VICE**

Action Pending in:  
United States District Court, Southern District  
of New York (11-md-02293-DLC)

Pursuant to Local General Rule 2(d) of the United States District Court for the Western District of Washington, I, ANDREW J. FRACKMAN, hereby apply to this Court for permission to appear and participate as counsel in the above entitled action on behalf of Apple Inc.

I am an attorney with the law firm of O’Melveny & Myers LLP; 7 Times Square, New York, NY 10036.

As outside counsel for defendant Apple Inc., I seek admission by this Court on a *pro hac vice* basis for the purpose of representing its interests in this litigation.

I understand that I am charged with knowing and complying with all applicable local rules.

I have not been disbarred or formally censured by a court of record or by a state bar association and there are no disciplinary proceedings against me.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 DATED: September 28, 2012

3 O'MELVENY & MYERS LLP

4  
5 By: s/Andrew J. Frackman  
6 ANDREW J. FRACKMAN  
7 NYSBA No. 1751288  
8 afrackman@omm.com  
9 (212) 326-2017

10 O'MELVENY & MYERS LLP  
11 7 Times Square  
12 New York, NY 10036

13 *Attorney for Apple Inc.*

14 **STATEMENT OF LOCAL COUNSEL**

15 I am authorized and will be prepared to handle this matter, including trial, in the event  
16 the applicant, ANDREW J. FRACKMAN, is unable to present upon any date assigned by the  
17 Court.

18 DATED: September 28, 2012.

19 LANE POWELL PC

20 By s/Christopher B. Wells  
21 Christopher B. Wells, WSBA No. 08302  
22 wellsc@lanepowell.com

23 By s/Michelle K. Peterson  
24 Michelle K. Peterson, WSBA No. 33598  
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26 LANE POWELL PC  
27 1420 Fifth Avenue, Suite 4100  
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(206) 223-7000

*Attorneys for Apple Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 28th day of September, 2012, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to all CM/ECF participants and any non-CM/ECF participants will be served in accordance with the Federal Rules of Civil Procedure.

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- by **CM/ECF**
- by **Electronic Mail**
- by **Facsimile Transmission**
- by **First Class Mail**
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*s/ Peter C. Elton*  
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Peter C. Elton