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13 UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
15

16 **IN RE MUSICAL INSTRUMENTS AND**  
17 **EQUIPMENT ANTITRUST LITIGATION**

Case No. 09-md-02121-LAB-DHB

MDL No. 2121

CLASS ACTION

18  
19 This Document Relates To:

20 ALL ACTIONS  
21  
22  
23

**NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF  
APPEALS FOR THE NINTH  
CIRCUIT**

1 All Plaintiffs herein appeal to the United States Court of Appeals for the Ninth Circuit from an order  
2 of the District Court, entered August 21, 2012, dismissing the First Claim for Relief for Violations of  
3 Section 1 of the Sherman Antitrust Act (15 U.S.C. § 1) in Plaintiffs' Second Amended Consolidated Class  
4 Action Complaint ("Dismissal Order"), directing the Clerk to enter judgment on this one claim only, and  
5 certifying the question for appeal (ECF Dkt. Nos. 198, 199), together with all interlocutory orders that gave  
6 rise to the Dismissal Order, including but not limited to the Court's order overruling Plaintiffs' Objections  
7 to Magistrate Judge's Discovery Rulings, entered February 7, 2012 (ECF Dkt. No. 174). By separate order  
8 entered August 21, 2012, the Clerk entered a judgment of dismissal, with prejudice, as to Plaintiffs'  
9 Sherman Act claim only. (ECF Dkt. No. 199).

10 As required by Ninth Circuit Local Rules 3-2 and 12(b), attached as Exhibit A is the Representation  
11 Statement of Girard Gibbs LLP, which serves as court appointed Lead-Liaison Counsel for all Plaintiffs in  
12 this action.

13 Attached as Exhibit B is a Service List of all parties and counsel of record in the action.

14 DATED: September 10, 2012

Respectfully submitted,

**GIRARD GIBBS LLP**

18 By: /s/ Elizabeth C. Pritzker  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2012, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 10, 2012.

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# EXHIBIT A

**REPRESENTATION STATEMENT**

**(Ninth Circuit Local Rules 3-2 and 12(b))**

The undersigned serves as court-appointed Lead-Liaison Counsel for all Plaintiffs in the *In re Musical Instruments and Equipment Antitrust Litigation* multidistrict litigation, MDL No. 2121.

Attached as Exhibit B to the Notice of Appeal is a service list that shows all of the parties to the action below, and which identifies all counsel of record by name, firm, address, telephone number, and email address, where appropriate.

DATED: September 10, 2012

Respectfully submitted,

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# EXHIBIT B

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ANTITRUST LITIGATION  
Case No. 09-MD-02121 LAB DHB**

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ANTITRUST LITIGATION  
Case No. 09-MD-02121 LAB DHB**

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