

ADRMOP, E-Filing, RELATE

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:07-cv-06507-JW**

Somers v. Apple, Inc.
Assigned to: Hon. James Ware
Referred to: Magistrate Judge Howard R. Lloyd
Relate Case Cases: [5:05-cv-00037-JW](#)
[5:06-cv-04457-JW](#)

Date Filed: 12/31/2007
Jury Demand: Defendant
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Cause: 15:15 Antitrust Litigation

Plaintiff

Stacie Somers
*On Behalf of Herself and All
Others Similarly Situated*

represented by **Alreen Haeggquist**
Zeldes & Haeggquist, LLP
625 Broadway, Suite 906
San Diego, CA 92101
619-342-8000
Fax: 619-342-7878
Email: alreenh@zhlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Craig L. Briskin
Mehri & Skalet, PLLC
1250 Connecticut Ave., NW
Suite 300
Washington, DC 20036
202-822-5100 x116
Email: cbriskin@findjustice.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Helen I. Zeldes
Zeldes & Haeggquist, LLP
625 Broadway, Suite 906
San Diego, CA 92101
(619) 342-8000
Fax: 619/342-7878
Email: helenz@zhlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven A. Skalet

Mehri & Skalet, PLLC
1250 Connecticut Avenue NW
Suite 300
Washington, DC 20036
202-822-5100
Fax: 202-822-4997
Email: sskalet@findjustice.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant**Apple, Inc.**represented by **Craig Ellsworth Stewart**

Jones Day
555 California Street
25th Floor
San Francisco, CA 94104
(415) 626-3939
Fax: (415) 875-5700
Email: cestewart@jonesday.com
ATTORNEY TO BE NOTICED

David Craig Kiernan

Jones Day
555 California Street, 26th Floor
San Francisco, CA 94104
415-626-3939
Fax: 415-875-5700
Email: dkiernan@jonesday.com
ATTORNEY TO BE NOTICED

Elaine Wallace

Jones Day
555 California Street
26th Floor
San Francisco, CA 94111
(415) 626-3939
Fax: (415) 875-5700
Email: ewallace@jonesday.com
ATTORNEY TO BE NOTICED

Michael Tedder Scott

Jones Day
 555 California Street
 26th Floor
 San Francisco, CA 94104-1500
 415-875-5874
 Fax: 415-875-5700
 Email:
 michaelsscott@jonesday.com
ATTORNEY TO BE NOTICED

Robert Allan Mittelstaedt

Jones Day
 555 California Street
 26th Floor
 San Francisco, CA 94104
 415-875-5710
 Fax: 415/875-5700
 Email:
 ramittelstaedt@jonesday.com
ATTORNEY TO BE NOTICED

Tracy Strong

Jones Day
 555 California Street
 26th Floor
 Invalid email address as of
 08/28/09
 San Francisco, CA 94120
 415 626-3939
 Fax: 415 875-5700
 Email:
 invalidaddress@invalidaddress.com

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/31/2007	1	COMPLAINT for Violation of Sherman Anti-trust Act, Cartwright Act, California Unfair Competition Law, Consumer Legal Remedies Act and Monopolization of Business Practices (Summons Issued); jury demand; against Apple, Inc. (Filing fee \$ 350, receipt number 34611014009). Filed by Stacie Somers. (srm, COURT STAFF) (Filed on 12/31/2007) Text modified on 1/2/2008 (bw, COURT STAFF). (bw, COURT

		STAFF). (Entered: 12/31/2007)
12/31/2007	2	AFFIDAVIT of Helen Zeldes re 1 Complaint by Stacie Somers. (srm, COURT STAFF) (Filed on 12/31/2007) (bw, COURT STAFF). (Entered: 12/31/2007)
12/31/2007		Summons Issued as to Apple, Inc.. (srm, COURT STAFF) (Filed on 12/31/2007) (Entered: 12/31/2007)
12/31/2007		CASE DESIGNATED for Electronic Filing. (srm, COURT STAFF) (Filed on 12/31/2007) (Entered: 12/31/2007)
12/31/2007	3	ADR SCHEDULING ORDER: Case Management Statement due by 4/15/2008. Case Management Conference set for 4/22/2008 01:30 PM. (Attachments: # 1 standing order, # 2 CM Standing order)(srm, COURT STAFF) (Filed on 12/31/2007) (Entered: 12/31/2007)
01/11/2008	4	Application for Admission of Attorney Craig L. Briskin to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 54611002391) filed by Stacie Somers. (bw, COURT STAFF) (Filed on 1/11/2008) (Entered: 01/14/2008)
01/11/2008		Received (Proposed) Order Granting Application for Admission of Attorney Craig L. Briskin to appear in Pro Hac Vice re 4 by Stacie Somers. (bw, COURT STAFF) (Filed on 1/11/2008) (Entered: 01/14/2008)
01/11/2008	5	Application for Admission of Attorney Steven A. Skalet to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 54611002392) filed by Stacie Somers.(bw, COURT STAFF) (Filed on 1/11/2008) (Entered: 01/14/2008)
01/11/2008		Received (Proposed) Order Granting Application for Admission of Attorney Steven A. Skalet to appear in Pro Hac Vice re 5 by Stacie Somers. (bw, COURT STAFF) (Filed on 1/11/2008) (Entered: 01/14/2008)
01/17/2008	6	ORDER by Magistrate Judge Howard R. Lloyd granting 4 Motion for Pro Hac Vice as to Attorney Briskin. (hrllc1, COURT STAFF) (Filed on 1/17/2008) (Entered: 01/17/2008)
01/17/2008	7	ORDER by Magistrate Judge Howard R. Lloyd granting 5 Motion for Pro Hac Vice as to Attorney Skalet. (hrllc1, COURT STAFF) (Filed on 1/17/2008) (Entered: 01/17/2008)
01/22/2008	8	Stipulation Extending Defendant's Time to Respond to the Complaint re 1 Complaint, by Apple, Inc. (Strong, Tracy) (Filed on 1/22/2008) Text modified on 1/23/2008 (bw, COURT STAFF). (Entered: 01/22/2008)

01/22/2008	9	Certification of Interested Entities or Persons by Apple, Inc. re 1 Complaint, 8 Stipulation (Strong, Tracy) (Filed on 1/22/2008) Text modified on 1/23/2008 (bw, COURT STAFF). (Entered: 01/22/2008)
01/22/2008	10	CERTIFICATE OF SERVICE by Apple, Inc. re 8 Stipulation Extending Time, 9 Certification of Interested Entities or Persons (Strong, Tracy) (Filed on 1/22/2008) Text modified on 1/23/2008 (bw, COURT STAFF). (Entered: 01/22/2008)
01/29/2008	11	CERTIFICATE OF SERVICE OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED; STIPULATION AND [PROPOSED] ORDER FILED IN CASE NO. C 05-00037-JW by Stacie Somers (Attachments: # 1 Copy of Administrative Motion to Relate Cases, # 2 Copy of Stipulation to Relate Cases, # 3 Copy of Proposed Order to Relate Cases)(Zeldes, Helen) (Filed on 1/29/2008) Text modified on 1/30/2008 conforming to posted document caption (bw, COURT STAFF). (Entered: 01/29/2008)
02/15/2008	12	ORDER Relating Cases: 5:05-cv-00037-JW; 5:06-cv-04457-JW; and C 07-06507 HRL. The Clerk shall relate and reassign C 07-06507 HRL Somers v. Apple Inc. to C 05-0037 JW "The Apple iPod iTunes Anti-Trust Litigation" re 11 Certificate of Service, filed by Stacie Somers. Related cases: Create association to 5:05-cv-00037-JW and 5:06-cv-04457-JW. Signed by Judge James Ware on 2/14/2008. (ecg, COURT STAFF) (Filed on 2/15/2008) (Entered: 02/15/2008)
02/15/2008	13	RELATED CASE ORDER. The Court finds that C 07-06507 HRL is related with C 05-0037 JW and C 06-04457 JW. The clerk shall reassign the case. Related cases: Create association to 5:05-cv-00037-JW and 5:06-cv-04457-JW. Signed by Judge James Ware on 2/14/2008. (ecg, COURT STAFF) (Filed on 2/15/2008) (Additional attachment(s) added on 2/19/2008: # 1 Certificate of Service) (tsh, COURT STAFF). (Entered: 02/15/2008)
02/15/2008		Pursuant to Related Case Order (13). Case reassigned to District Judge James Ware for all further proceedings and Magistrate Judge Richard Seeborg for all discovery matters. Magistrate Judge Howard R. Lloyd no longer assigned to the case. (tsh, COURT STAFF) (Filed on 2/15/2008) (Entered: 02/19/2008)
02/15/2008		Set/Reset Hearings: pursuant to 12 Order Relating Cases. Joint Case Management Statement due 4/18/20008. Case Management Conference set for 4/28/2008 10:00 AM

		Courtroom 8, 4th Floor, San Jose before Hon. James Ware. (ecg, COURT STAFF) (Filed on 2/15/2008) (Entered: 02/19/2008)
02/21/2008	14	ANSWER to Complaint with Jury Demand by Apple, Inc.. (Strong, Tracy) (Filed on 2/21/2008) Modified on 2/22/2008 (cv, COURT STAFF). (Entered: 02/21/2008)
03/14/2008	15	STIPULATION <i>and [PROPOSED] PROTECTIVE ORDER REGARDING CONFIDENTIAL INFORMATION</i> by Apple, Inc.. (Strong, Tracy) (Filed on 3/14/2008) (Entered: 03/14/2008)
03/14/2008	16	STIPULATION AND <i>[PROPOSED] ORDER LIMITING DISCOVERY</i> by Apple, Inc.. (Attachments: # 1 Exhibit A) (Strong, Tracy) (Filed on 3/14/2008) (Entered: 03/14/2008)
03/14/2008	17	CERTIFICATE OF SERVICE by Apple, Inc. re 16 Stipulation, 15 Stipulation (Strong, Tracy) (Filed on 3/14/2008) (Entered: 03/14/2008)
03/14/2008	18	PROTECTIVE ORDER re 15 . Signed by Judge Richard Seeborg on 3/14/08. (rssec, COURT STAFF) (Filed on 3/14/2008) (Entered: 03/14/2008)
03/14/2008	19	ORDER re 16 Stipulation filed by Apple, Inc. Signed by Judge Richard Seeborg on 3/14/08. (rssec, COURT STAFF) (Filed on 3/14/2008) (Entered: 03/14/2008)
04/18/2008	20	JOINT CASE MANAGEMENT STATEMENT <i>Joint Case Management Statement and Proposed Order</i> filed by Apple, Inc.. (Mittelstaedt, Robert) (Filed on 4/18/2008) (Entered: 04/18/2008)
04/22/2008	21	ORDER DIRECTING ALL PARTIES TO SUBMIT BRIEFING RE: CONSOLIDATION OF THE PRESENT ACTION WITH C 05-00037. Signed by Judge James Ware on April 22, 2008. (jwlc1, COURT STAFF) (Filed on 4/22/2008) (Entered: 04/22/2008)
04/22/2008		Set Deadlines/Hearings: pursuant Order (21) in 5:07-cv-06507-JW Somers v. Apple, Inc; (154) in 5:05-cv-37-JW, (51) in 5:06-cv-4457-JW. Parties to file response to Court's request by 5/2/2008. Case Management Conference set IN ALL CASES for 5/12/2008 10:00 AM in Courtroom 8, 4th Floor, San Jose before Hon. James Ware. (ecg, COURT STAFF) (Filed on 4/22/2008) (Entered: 04/22/2008)
05/02/2008	22	Response to 21 Court's Order Re. Consolidation filed by Stacie Somers. (Zeldes, Helen) (Filed on 5/2/2008) Modified on 5/5/2008,(counsel failed to properly link to which

		document relates to.) (cv, COURT STAFF). (Entered: 05/02/2008)
05/02/2008	23	Statement in Favor of Consolidation. (Mittelstaedt, Robert) (Filed on 5/2/2008) Modified text on 5/5/2008 (cv, COURT STAFF). (Entered: 05/02/2008)
05/12/2008	24	Minute Entry: Initial Case Management Conference held on 5/12/2008 before Judge James Ware (Date Filed: 5/12/2008). The parties are to file a stipulation re briefing schedule re motions discussed at the case management conference. Case Management Conference set in ALL cases for 8/25/2008 10:00 AM in Courtroom 8, 4th Floor, San Jose before Hon. James Ware. (Court Reporter Not Reported.) (ecg, COURT STAFF) (Date Filed: 5/12/2008) (Entered: 05/12/2008)
05/14/2008	25	ORDER Following Case Management Conference held on 5/12/2008. Further Case Management Conference set for 8/25/2008 10:00 AM, Motion Hearing set for 9/26/2008 09:00 AM, Motion Hearing set for 3/16/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. The parties are to file a stipulated briefing schedule with respect to the planned motion within ten (10) days from the date of this order. Please see Order for further specifics. Signed by Judge James Ware on 5/14/2008. (ecg, COURT STAFF) (Filed on 5/14/2008) (Entered: 05/14/2008)
05/29/2008	26	STIPULATION <i>and [Proposed] Order Setting Briefing Schedule for Class Certification</i> by Stacie Somers. (Zeldes, Helen) (Filed on 5/29/2008) (Entered: 05/29/2008)
06/04/2008	27	STIPULATION AND ORDER as Modified by the Court Setting Briefing for Class Certification re (26 in 5:07-cv-06507-JW) Stipulation filed by Stacie Somers, (160 in 5:05-cv-00037-JW) Stipulation filed by Stacie Somers. Joint Case Management Statement due 8/15/2008, Further Case Management Conference set for 8/25/2008 10:00 AM, Motion Hearing set for 3/23/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose before Hon. James Ware. Please see Order for further specifics. Signed by Judge James Ware on 6/4/2008. (ecg, COURT STAFF) (Filed on 6/4/2008) (Entered: 06/04/2008)
08/20/2008	28	STIPULATION <i>Modifying Class Certification Briefing Schedule</i> by Stacie Somers. (Attachments: # 1 Proposed Order) (Sweeney, Bonny) (Filed on 8/20/2008) (Entered: 08/20/2008)

08/20/2008	29	STIPULATION AND ORDER as Further Modified by the Court Modifying Class Certification Briefing Schedule re (28 in 5:07-cv-06507-JW) Stipulation filed by Stacie Somers, (167 in 5:05-cv-00037-JW) Stipulation filed by Melanie Tucker. Joint Case Management Conference statement due 9/26/2008. Interim Case Management Conference set for 10/6/2008 10:00 AM Motion Hearing set for 12/15/2008 09:00 AM, Motion Hearing set for 4/20/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose.. Signed by Judge James Ware on 8/20/2008. (ecg, COURT STAFF) (Filed on 8/20/2008) (Entered: 08/20/2008)
09/08/2008	30	NOTICE by Stacie Somers of <i>Counsel's Firm Name and Address Change</i> (Haeggquist, Alreen) (Filed on 9/8/2008) (Entered: 09/08/2008)
09/09/2008	31	Proposed Order <i>Stipulation and [Proposed] Order Regarding Discovery Related to Testifying Experts in This Matter</i> by Apple, Inc.. (Wallace, Elaine) (Filed on 9/9/2008) (Entered: 09/09/2008)
10/02/2008	32	ORDER Continuing Case Management Conference from 10/6/2008 to 12/15/2008. Further Case Management Conference set for 12/15/2008 10:00 AM in Courtroom 8, 4th Floor, San Jose before Hon. James Ware. Signed by Judge James Ware on 10/2/2008. (ecg, COURT STAFF) (Filed on 10/2/2008) (Entered: 10/02/2008)
10/17/2008	33	ORDER re 31 Stipulation filed by Apple, Inc. Signed by Judge Richard Seeborg on 10/16/08. (rssec, COURT STAFF) (Filed on 10/17/2008) (Entered: 10/17/2008)
11/10/2008	34	STIPULATION AND [PROPOSED] ORDER MODIFYING CLASS CERTIFICATION BRIEFING SCHEDULE by Stacie Somers. (Haeggquist, Alreen) (Filed on 11/10/2008) (Entered: 11/10/2008)
11/17/2008	35	STIPULATION AND ORDER AS MODIFIED BY THE COURT RE BRIEFING SCHEDULE ON CLASS CERTIFICATION re 34 Stipulation filed by Stacie Somers. The Court will hear the Motion for Class Certification in the related action C05-37 JW ("Direct Purchasers Case") set for 12/15/08 . Plaintiff in C07-6507 JW ("Indirect Purchasers Case") is required to file her Motion for Class Certification on or before 1/12/2009, Defendant to file Opposition on or before 3/9/2009, Plaintiff to file reply on or before 4/17/2009. Upon completion of the briefs, the moving party shall compile a three ring binder. Please see order for instructions to compile binders. Deadline

		to deliver binders on or before 4/24/2009 at 3:00 PM. Motion Hearing on Class Certification set for 5/4/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. Signed by Judge James Ware on 11/17/2008. (ecg, COURT STAFF) (Filed on 11/17/2008) Modified on 12/2/2008 (cv, COURT STAFF). (Entered: 11/17/2008)
12/09/2008	36	MOTION for Extension of Time to File <i>Motion for Class Certification and to modify 35 Scheduling Order</i> . filed by Stacie Somers. Motion Hearing set for 12/22/2008 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Attachments: # 1 Affidavit of Steven A. Skalet, # 2 Proposed Order)(Briskin, Craig) (Filed on 12/9/2008) Modified on 12/10/2008 (cv, COURT STAFF). (Entered: 12/09/2008)
12/10/2008	37	ORDER CONTINUING HEARING AND CASE MANAGEMENT CONFERENCE FOR THE DIRECT PURCHASERS ACTION; VACATING CASE MANAGEMENT CONFERENCE FOR THE INDIRECT PURCHASERS ACTION re (165 in 5:05-cv-00037-JW) MOTION to Certify Class <i>and Appoint Class Counsel</i> filed by Melanie Tucker. The Court continues the Class Certification Motion AND Case Management Conference in 5:05-cv-00037-JW from 12/15/2008 to 12/16/2008 02:00 PM in Courtroom 8, 4th Floor, San Jose. The Case Management Conference set for 12/15/2008 in 5:07-cv-06507-JW is VACATED. The Court will set a new Case Management Conference, if necessary, in its Order addressing Plaintiffs Motion for Extension of Time to File and Modify Briefing Schedule on Motion for Class Certification. (See Docket Item No. 36 in 5:07-cv-06507-JW.) Please see Order for further specifics. Signed by Judge James Ware on 12/10/2008. (ecg, COURT STAFF) (Filed on 12/10/2008) (Entered: 12/11/2008)
12/18/2008	38	ORDER ORDER GRANTING PLAINTIFFS MOTION TO MODIFY BRIEFING SCHEDULE ON MOTION FOR CLASS CERTIFICATION; CONTINUING CLASS CERTIFICATION HEARING re 36 Motion for Extension of Time to File. Plaintiffs shall file and serve their Opening Brief on or before 2/23/2009, Defendant shall file and serve its Opposition on or before 4/20/2009. Plaintiffs shall file and serve their Reply, if any on or before 5/19/2009. Motion for Class Certification set for 6/1/2009. The Court will not entertain further requests for an extension of the schedule. The parties shall work in good faith to advance this case within the schedule provided by the Court. The 12/22/2008 hearing on Plaintiffs improperly filed motion is VACATED. Signed by Judge James Ware on 12/18/2009. (ecg, COURT STAFF)

		(Filed on 12/18/2008) (Entered: 12/18/2008)
12/18/2008		Set/Reset Hearings: pursuant to 38 Order. Motion Hearing set for 6/1/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. (ecg, COURT STAFF) (Filed on 12/18/2008) (Entered: 12/18/2008)
02/23/2009	39	MOTION to Certify Class pursuant to Rule 23(b)(2) and (3) <i>and</i> MOTION to Appointment of Co-Lead Class Counsel filed by Stacie Somers. Motion Hearing set for 6/1/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Attachments: # 1 Proposed Order Granting Plaintiff's Motion for Class Certification and Appointing Zeldes & Haeggquist LLP and Mehri & Skalet PLLC as Co-Lead Counsel)(Zeldes, Helen) (Filed on 2/23/2009) Modified on 2/28/2009,(counsel failed to select multiple motions.) (cv, COURT STAFF). Modified on 9/1/2009 (cv, COURT STAFF). (Entered: 02/23/2009)
02/23/2009	40	MOTION to Seal filed by Stacie Somers. (Attachments: # 1 Proposed Order Granting Plaintiff's Administrative Motion to Seal)(Zeldes, Helen) (Filed on 2/23/2009) (Entered: 02/23/2009)
02/23/2009	41	Declaration of Alreeh Haeggquist in Support of 40 MOTION to Seal filed by Stacie Somers. (Related document(s) 40) (Zeldes, Helen) (Filed on 2/23/2009) (Entered: 02/23/2009)
02/23/2009	42	REDACTION to 43 Declaration of Alreen Haeggquist in Support of 39 MOTION to Certify Class <i>and</i> Appointment of Co-Lead Class Counsel filed by Stacie Somers. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Related document(s) 39) (Zeldes, Helen) (Filed on 2/23/2009) Modified on 2/28/2009,(counsel used incorrect event.) (cv, COURT STAFF). (Entered: 02/23/2009)
02/23/2009	43	Declaration of Alreen Haeggquist in Support of motion. ***NOTIFICATION OF MANUAL FILING.(Zeldes, Helen) (Filed on 2/23/2009) Modified on 2/28/2009,**(counsel used incorrect event, pursuant to General Order 45 VII do not efile the MFN as a "Notice" of any activity.) (cv, COURT STAFF). (Entered: 02/23/2009)
02/23/2009		Received Document declaration (submitted) under seal. (cv, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/24/2009)
02/23/2009		Received Document redacted version to declaration. (cv, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/24/2009)
02/23/2009	45	Declaration of A. Haeggquist (UNDER SEAL) (cv, COURT

		STAFF) (Filed on 2/23/2009) (Entered: 03/02/2009)
02/27/2009	44	ORDER Granting 40 Motion to Seal. Signed by Judge James Ware on 2/27/2009. (ecg, COURT STAFF) (Filed on 2/27/2009) (Entered: 02/28/2009)
04/20/2009	46	REDACTION to Memorandum in Opposition <i>to Motion for Class Certification</i> filed by Apple, Inc.. (Mittelstaedt, Robert) (Filed on 4/20/2009) Modified on 4/21/2009, (counsel used incorrect event.) (cv, COURT STAFF). (Entered: 04/20/2009)
04/20/2009	47	Declaration of Michael Scott in Support of 46 Memorandum in Opposition filed by Apple, Inc.. (Attachments: # 1 Exhibit 1-6, # 2 Exhibit 7-26, # 3 Exhibit 27-32, # 4 Errata 33-38) (Related document(s) 46) (Scott, Michael) (Filed on 4/20/2009) (Entered: 04/20/2009)
04/20/2009	48	MOTION to Seal (<i>Miscellaneous Administrative</i>) <i>Defendant's Memorandum in Opposition to Motion for Class Certification; Declaration of Michael Scott in Support</i> filed by Apple, Inc.. Motion Hearing set for 6/1/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Attachments: # 1 Proposed Order) (Scott, Michael) (Filed on 4/20/2009) (Entered: 04/20/2009)
04/20/2009	49	MEMORANDUM in opposition <i>Manual Filing Notification</i> (Scott, Michael) (Filed on 4/20/2009) Modified on 4/21/2009 (counsel used incorrect event, pursuant to General Order 45 VII do not efile the MFN as a "Notice" of any activity. (***)The MFN is meant to be a place-holder for the real filing, NOT an event unto itself. (***) (cv, COURT STAFF). (Entered: 04/20/2009)
04/21/2009	50	CERTIFICATE OF SERVICE by Apple, Inc. re 48 MOTION to Seal (<i>Miscellaneous Administrative</i>) <i>Defendant's Memorandum in Opposition to Motion for Class Certification; Declaration of Michael Scott in Support</i> (Scott, Michael) (Filed on 4/21/2009) Modified on 4/22/2009 (cv, COURT STAFF). (Entered: 04/21/2009)
04/21/2009		Received Document memorandum (submitted) under seal. (cv, COURT STAFF) (Filed on 4/21/2009) (Entered: 04/21/2009)
04/21/2009	52	Memorandum in Opposition (UNDER SEAL) (cv, COURT STAFF) (Filed on 4/21/2009) (Entered: 04/29/2009)
04/28/2009	51	ORDER Granting 48 Motion to Seal. Signed by Judge James Ware on 4/28/2009. (ecg, COURT STAFF) (Filed on 4/28/2009) (Entered: 04/28/2009)

05/12/2009	53	NOTICE of Change of Address by Alreen Haeggquist (Haeggquist, Alreen) (Filed on 5/12/2009) (Entered: 05/12/2009)
05/19/2009	54	MOTION to Seal portions of the Reply Memorandum and Exhibits 1 and 4 to the Declaration of H. Zeldes filed by Stacie Somers. Motion Hearing set for 6/1/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Attachments: # 1 Affidavit, # 2 Proposed Order)(Haeggquist, Alreen) (Filed on 5/19/2009) Modified on 5/20/2009,(counsel used incorrect event.) (cv, COURT STAFF). (Entered: 05/19/2009)
05/19/2009	55	REPLY Memorandum in support of Motion for class certification of <i>Manual Filing</i> (Haeggquist, Alreen) (Filed on 5/19/2009) Modified on 5/20/2009, *** (counsel used incorrect event, pursuant to General Order 45 VII do not efile the MFN as a "Notice" of any activity. The MFN is meant to be a place-holder for the real filing, NOT an event unto itself.***) (cv, COURT STAFF). (Entered: 05/19/2009)
05/19/2009	56	REPLY to Response to Motion re 39 MOTION to Certify Class and <i>MOTION to Appointment of Co-Lead Class Counsel</i> filed by Stacie Somers. Modified text on 5/20/2009 (cv, COURT STAFF). Document removed pursuant to Order 62 . Modified on 5/20/2009 (spS, COURT STAFF). (Entered: 05/19/2009)
05/19/2009	57	Declaration of Helen Zeldes in Support of 56 Reply to Response to Motion for <i>Class Certification and Appointment of Co-Lead Class Counsel</i> filed by Stacie Somers. Document removed pursuant to Order 62 . Modified on 5/20/2009 (spS, COURT STAFF). (Entered: 05/19/2009)
05/19/2009	58	REDACTION to REPLY in support of Motion for <i>Class Certification and Appointment of Co-Lead Class Counsel</i> filed by Stacie Somers. (Attachments: # 1 Appendix, # 2 Appendix)(Haeggquist, Alreen) (Filed on 5/19/2009) Modified on 5/20/2009,(counsel used incorrect event.) (cv, COURT STAFF). (Entered: 05/19/2009)
05/19/2009	59	Declaration of Helen Zeldes in Support of 58 Reply to Response to Motion for <i>Class Certification and Appointment of Co-Lead Class Counsel</i> filed by Stacie Somers. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Related document(s) 58) (Haeggquist, Alreen) (Filed on 5/19/2009) (Entered: 05/19/2009)

05/19/2009	60	MOTION to Remove Incorrectly Filed Document filed by Stacie Somers. Motion Hearing set for 6/1/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Haeggquist, Alreen) (Filed on 5/19/2009) (Entered: 05/19/2009)
05/19/2009		Received Document Reply (submitted) under seal. (cv, COURT STAFF) (Filed on 5/19/2009) (Entered: 05/20/2009)
05/19/2009		Received Document Declaration (submitted) under seal. (cv, COURT STAFF) (Filed on 5/19/2009) (Entered: 05/20/2009)
05/19/2009	64	Reply Memorandum (UNDER SEAL) (cv, COURT STAFF) (Filed on 5/19/2009) (Entered: 05/27/2009)
05/19/2009	65	Declaration of H. Zeldes (UNDER SEAL) (cv, COURT STAFF) (Filed on 5/19/2009) (Entered: 05/27/2009)
05/20/2009	61	ORDER SPECIALLY SETTING EVIDENTIARY HEARING AND HEARING ON PLAINTIFFS MOTION FOR CLASS CERTIFICATION. Evidentiary Hearing set for 6/5/2009 10:00 AM in Courtroom 8, 4th Floor, San Jose. Signed by Judge James Ware on 5/20/2009. (ecg, COURT STAFF) (Filed on 5/20/2009) (Entered: 05/20/2009)
05/20/2009	62	ORDER Granting 60 Motion to Remove Incorrectly Filed Document. Signed by Judge James Ware on 5/20/2009. (ecg, COURT STAFF) (Filed on 5/20/2009) (Entered: 05/20/2009)
05/26/2009	63	ORDER Granting 54 Motion to Seal. Signed by Judge James Ware on 5/26/2009. (ecg, COURT STAFF) (Filed on 5/26/2009) (Entered: 05/26/2009)
05/29/2009	66	STIPULATION re 61 Order, Set Hearings,, by Stacie Somers. (Zeldes, Helen) (Filed on 5/29/2009) (Entered: 05/29/2009)
06/04/2009	67	STIPULATION AND ORDER AS MODIFIED BY THE COURT re 66 Stipulation. The Court continues the Evidentiary Hearing and Case Management Conference from 6/5/2009 to 6/30/2009: <u>07-cv-06507-JW Somers v. Apple, Inc.</u> : Evidentiary Hearing set for 6/30/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. As to <u>5:05-cv-00037-JW</u> : Further Case Management Conference set for 6/30/2009 10:00 AM. Signed by Judge James Ware on 6/4/2009. (ecg, COURT STAFF) (Filed on 6/4/2009) (Entered: 06/04/2009)
06/05/2009	68	NOTICE by Apple, Inc. <i>Apple's Request to Present Economist to Testify at Evidentiary Hearing on Class Certification</i> (Stewart, Craig) (Filed on 6/5/2009) (Entered: 06/05/2009)
06/05/2009	69	MOTION for Hearing on Class Certification burden under Rule

		23, including a method for class-wide proof of damages. filed by Apple, Inc.. (Attachments: # 1 Proposed Order)(Stewart, Craig) (Filed on 6/5/2009) Modified on 9/1/2009 (cv, COURT STAFF). (Entered: 06/05/2009)
06/05/2009	70	Declaration of Craig E. Stewart in Support of 69 MOTION for Hearing <i>Apple's Motion Under Local Rule 7-11 to Present Economist to Testify at Evidentiary Hearing on Class Certification</i> filed by Apple, Inc.. (Related document(s) 69) (Stewart, Craig) (Filed on 6/5/2009) (Entered: 06/05/2009)
06/10/2009	71	Memorandum in Opposition re 69 MOTION for Hearing <i>Apple's Motion Under Local Rule 7-11 to Present Economist to Testify at Evidentiary Hearing on Class Certification</i> filed by Stacie Somers. (Attachments: # 1 Affidavit Steven Skalet, # 2 Proposed Order)(Zeldes, Helen) (Filed on 6/10/2009) (Entered: 06/10/2009)
06/11/2009	72	RESPONSE re 69 MOTION for Hearing <i>Motion Under Local Rule 7-11 to Present Economist to Testify at Evidentiary Hearing on Class Certification</i> (Stewart, Craig) (Filed on 6/11/2009) Modified on 6/12/2009 (cv, COURT STAFF). (Entered: 06/11/2009)
06/12/2009	73	ORDER by Judge James Ware granting 69 Motion to Present Economist to Testify at Evidentiary Hearing. (jwlc3, COURT STAFF) (Filed on 6/12/2009) Modified on 9/1/2009 (cv, COURT STAFF). (Entered: 06/12/2009)
06/17/2009	74	DECLARATION of Dr. Michelle M. Burtis <i>Expert Report</i> filed by Apple, Inc.. (Attachments: # 1 Exhibit 1-11)(Mittelstaedt, Robert) (Filed on 6/17/2009) (Entered: 06/17/2009)
06/19/2009	75	NOTICE of Appearance by David Craig Kiernan (Kiernan, David) (Filed on 6/19/2009) (Entered: 06/19/2009)
06/25/2009	76	MOTION for Leave to File <i>Response Under Civil L.R. 7-3(d)</i> filed by Stacie Somers. (Zeldes, Helen) (Filed on 6/25/2009) (Entered: 06/25/2009)
06/25/2009	77	MEMORANDUM in <i>SUPPORT OF</i> 76 MOTION filed by Stacie Somers. (Attachments: # 1 Exhibit 1 to Memorandum, # 2 Exhibit 2 to Memorandum)(Zeldes, Helen) (Filed on 6/25/2009) Modified on 6/26/2009,(counsel used incorrect event) (cv, COURT STAFF). Modified on 6/26/2009 (cv, COURT STAFF). (Entered: 06/25/2009)
06/29/2009	78	*** FILED IN ERROR, PLEASE SEE 82 FOR AMENDED MINUTES *** Minute Entry: Evidentiary Hearing held on

		6/30/2009 before Judge James Ware (Date Filed: 6/29/2009) re 39 MOTION to Certify Class <i>and MOTION to Appointment of Co-Lead Class Counsel</i> filed by Stacie Somers. The Court took the matter under submission, the Court to issue further Order following hearing. (Court Reporter Irene Rodriguez.) (ecg, COURT STAFF) (Date Filed: 6/29/2009) Modified docket text on 8/26/2009 (ecg, COURT STAFF). (Entered: 06/30/2009)
06/30/2009	82	AMENDED Minute Entry: Evidentiary Hearing held on 6/30/2009 before Judge James Ware (Date Filed: 6/30/2009) re 39 MOTION to Certify Class and MOTION to Appointment of Co-Lead Class Counsel filed by Stacie Somers. The Court took the matter under submission, the Court to issue further Order following hearing. (Court Reporter Irene Rodriguez.) (ecg, COURT STAFF) (Date Filed: 6/30/2009) (Entered: 08/26/2009)
07/02/2009	79	ORDER by Judge James Ware granting 76 Motion for Leave to File; granting 77 Motion for Leave to File (jwlc3, COURT STAFF) (Filed on 7/2/2009) (Entered: 07/02/2009)
07/17/2009	80	ORDER by Judge James Ware denying in part 39 Motion to Certify Class under Rule 23(b)(3). The Court defers ruling on class certification under Rule 23(b)(2) pending further briefing as directed in a separate Order. (jwlc3, COURT STAFF) (Filed on 7/17/2009) Modified on 9/1/2009 (cv, COURT STAFF). (Entered: 07/17/2009)
07/17/2009	81	ORDER Directing Parties to Submit Further Briefing. The Court will refrain from decision on certification of a Rule 23(b)(2) class in the Indirect Purchaser Action until such time as the parties in both cases have clarified the issues identified in this Order. Signed by Judge James Ware on July 17, 2009. (jwlc3, COURT STAFF) (Filed on 7/17/2009) Modified on 9/1/2009 (cv, COURT STAFF). (Entered: 07/17/2009)
07/17/2009		Set/Reset Hearings: re 81 Order. Motion Hearing set for 10/5/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. (ecg, COURT STAFF) (Filed on 7/17/2009) (Entered: 07/21/2009)
08/31/2009	83	Supplemental Memorandum in support of 39 MOTION for class certification of a rule 23(B)(2) class and MOTION of Class counsel. filed by Stacie Somers. (Haeggquist, Alreen) (Filed on 8/31/2009) Modified on 9/1/2009 (cv, COURT STAFF). (Entered: 08/31/2009)

08/31/2009	84	Declaration of Alreen Haeggquist in Support of 83 Supplemental Memorandum in support of 39 MOTION for class certification of a rule 23(B)(2) class and MOTION for appointment of class counsel. filed by Stacie Somers. (Related document(s) 83) (Haeggquist, Alreen) (Filed on 8/31/2009) Modified on 9/1/2009 (cv, COURT STAFF). (Entered: 08/31/2009)
09/16/2009	85	STIPULATION AND ORDER AS MODIFIED BY THE COURT CONTINUING HEARING DATES re (252 in 5:05-cv-00037-JW) Stipulation. Set/Reset Deadlines as to (236 in 5:05-cv-00037-JW) MOTION to Modify Injunctive Relief Class Definition to Include iTMS Purchasers, (240 in 5:05-cv-00037-JW) MOTION for Decertification of Rule 23(B)(3) Class, (244 in 5:05-cv-00037-JW) MOTION for Reconsideration, (250 in 5:05-cv-00037-JW) SEALED MOTION are continued from 10/5/2009 to 11/9/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. PLEASE NOTE: The hearing on Apple's Motion for Judgment on the Pleadings re the Rule of Reason(229 in 5:05-cv-00037-JW) shall remain on calendar for 10/5/2009, at 9 a.m. Apple shall file its reply brief on 9/18/2009 . Please see Order for further specifics. Signed by Judge James Ware on 9/16/2009. (ecg, COURT STAFF) (Filed on 9/16/2009) Modified docket text on 9/21/2009 (ecg, COURT STAFF). (Entered: 09/16/2009)
09/28/2009	86	Response to Plaintiff's Supplemental Memorandum re Rule 23 (B)(2) Class filed by Apple, Inc.. (Related document(s) 83) (Mittelstaedt, Robert) (Filed on 9/28/2009) Modified on 9/29/2009 (cv, COURT STAFF). (Entered: 09/28/2009)
10/05/2009		Set/Reset Deadlines as to (236 in 5:05-cv-00037-JW) MOTION to Modify Injunctive Relief Class Definition to Include iTMS Purchasers, (240 in 5:05-cv-00037-JW) MOTION for Decertification of Rule 23(B)(3) Class, (244 in 5:05-cv-00037-JW) MOTION for Reconsideration, (250 in 5:05-cv-00037-JW) SEALED MOTION. Briefing to be completed by 11/9/2009 . The parties shall meet and confer and Stipulate to a schedule that is consistent with the dates provided by the Court. Stipulation due on or before 10/9/2009 . Binders due 11/13/2009 . Motion Hearing set for 11/23/2009 09:00 AM in Courtroom 8, 4th Floor, San Jose. (ecg, COURT STAFF) (Filed on 10/5/2009) (Entered: 10/07/2009)
10/05/2009	87	ORDER CONTINUING HEARING ON MOTIONS; SETTING

		<p>DEADLINE FOR COMPLETION OF ALL BRIEFING. The Court finds good cause to continue the hearing on all Motions, including those in the Direct and Indirect purchasers cases, currently set for November 9, 2009 to November 23, 2009 at 9 a.m. Briefing on these Motions (Docket Item Nos. 236, 240, 244, 250 in 5:05-00037-JW,"The Apple iPod iTunes Anti-Trust Litigation"), shall be completed on or before November 9, 2009. The parties shall meet and confer and Stipulate to a schedule that is consistent with the dates provided by the Court. The Stipulation shall be filed on or before October 9, 2009 for the Court's approval. To the extent the parties cannot agree on a schedule, the Court will set a schedule that is consistent with the Civil Local Rules of the Court. On or before November 13, 2009, the moving party shall deliver to Chambers, by the way of the Clerk's office, a three ring binder with the completed briefing and supporting declarations. Signed by Judge James Ware on 10/5/2009. (ecg, COURT STAFF) (Filed on 10/5/2009) (Entered: 10/07/2009)</p>
11/09/2009	88	<p>Reply Memorandum <i>of Points and Authorities in Support of Plaintiff's Supplemental 39 Motion for Class Certification of a Rule 23(b)(2) Class and MOTION for Appointment of Class Counsel</i> filed by Stacie Somers. (Zeldes, Helen) (Filed on 11/9/2009) Modified on 11/20/2009,(counsel failed to properly link to motion.) (cv, COURT STAFF). (Entered: 11/09/2009)</p>
11/23/2009	89	<p>Minute Entry: Motion Hearing held on 11/23/2009 before Judge James Ware (Date Filed: 11/23/2009) re (240 in 5:05-cv-00037-JW) MOTION for Decertification of Rule 23(B)(3) Class, (244 in 5:05-cv-00037-JW) MOTION for Reconsideration, (250 in 5:05-cv-00037-JW) SEALED MOTION, (236 in 5:05-cv-00037-JW) MOTION to Modify Injunctive Relief Class Definition to Include iTMS Purchasers. Motion Hearing re Summary Judgment set for 2/8/2010 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Court Reporter Irene Rodriguez.) (ecg, COURT STAFF) (Date Filed: 11/23/2009) (Entered: 11/23/2009)</p>
12/22/2009		<p>Set/Reset Hearings:, Set Deadlines/Hearings: Case Management Conference set for 2/22/2010 10:00 AM in Courtroom 8, 4th Floor, San Jose. Amended Pleadings due by 1/25/2010. Joint Case Management Statement due by 2/12/2010. (ecg, COURT STAFF) (Filed on 12/22/2009) (Entered: 12/22/2009)</p>

01/07/2010	90	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Howard R. Lloyd for all further discovery matters. Judge Richard Seeborg no longer assigned to the case. Signed by The Executive Committee on 01/07/10. (tsh, COURT STAFF) (Filed on 1/7/2010) (Entered: 01/07/2010)
02/01/2010	91	Reply Memorandum <i>to Court's Order to Show Cause</i> filed by Stacie Somers. (Zeldes, Helen) (Filed on 2/1/2010) (Entered: 02/01/2010)
02/12/2010	92	MOTION for Leave to File <i>First Amended Complaint</i> filed by Stacie Somers. Motion Hearing set for 4/26/2010 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Attachments: # 1 Exhibit [Proposed] First Amended Complaint, # 2 Proposed Order)(Zeldes, Helen) (Filed on 2/12/2010) (Entered: 02/12/2010)
02/17/2010	93	ORDER VACATING CASE MANAGEMENT CONFERENCE; DENYING AS PREMATURE INDIRECT PURCHASER ACTION PLAINTIFFS MOTION FOR LEAVE TO FILE AMENDED COMPLAINT by Judge James Ware denying 92 Motion for Leave to File (jwlc1, COURT STAFF) (Filed on 2/17/2010) (Entered: 02/17/2010)
