

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
UNITED STATES OF AMERICA,	:
	:
Plaintiff,	:
	:
v.	:
	:
APPLE INC.,	:
	:
Defendant.	:
	:
-----X	

12 Civ. 2826 (DLC)

**NOTICE OF APPEAL**

Notice is hereby given that Defendant Apple Inc. (“Apple”) appeals to the United States Court of Appeals for the Second Circuit from the Order denying Apple’s requested relief entered in this action by Judge Denise Cote of this Court on January 16, 2014, including the Court’s denial of Apple’s request to disqualify the “External Compliance Monitor,” Michael Bromwich, appointed pursuant to the September 5, 2013 Plaintiff United States’ Final Judgment, which is pending on appeal (*see* No. 13-3741), all of the Court’s rulings adverse to Apple in its January 16, 2014 Order, and the Court’s modifications to the Plaintiff United States’ Final Judgment. *See United States v. Yonkers Bd. of Educ.*, 946 F.2d 180, 183 (2d Cir. 1991).

Dated: January 16, 2014

Respectfully submitted,

By:           /s/ Theodore J. Boutrous, Jr.          

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*On behalf of Defendant Apple Inc.*

APPEAL, COMPLEX-CSMGMT, ECF, MDL, RELATED  
**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:12-cv-02826-DLC**

United States of America v. Apple, Inc. et al  
Assigned to: Judge Denise L. Cote  
Lead case: [1:11-md-02293-DLC](#)  
Member case: [\(View Member Case\)](#)  
Related Cases: [1:11-md-02293-DLC](#)  
[1:13-cv-06516-DLC](#)

Date Filed: 04/11/2012  
Jury Demand: None  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: U.S. Government Plaintiff

Cause: 15:1 Antitrust Litigation

**Plaintiff**

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Date Filed	#	Docket Text
04/11/2012	<u>1</u>	COMPLAINT against Apple, Inc., Hachette Book Group, Inc., HarperCollins Publishers L.L.C., Holtzbrinck Publishers, LLC, Penguin Group (USA), Inc., Simon & Schuster, Inc., The Penguin Group, Verlagsgruppe Georg Von Holtzbrinck GMBH. Document filed by United States of America.(tro) (Entered: 04/11/2012)
04/11/2012		SUMMONS ISSUED as to Apple, Inc., Hachette Book Group, Inc., HarperCollins Publishers L.L.C., Holtzbrinck Publishers, LLC, Penguin Group (USA), Inc., Simon & Schuster, Inc., The Penguin Group, Verlagsgruppe Georg Von

		Holtzbrinck GMBH. (tro) (Entered: 04/11/2012)
04/11/2012		CASE REFERRED TO Judge Denise L. Cote as possibly related to 1:11-md-02293. (tro) (Entered: 04/11/2012)
04/11/2012		Case Designated ECF. (tro) (Entered: 04/11/2012)
04/11/2012	<u>2</u>	ORDER DESIGNATING CASE FOR INCLUSION IN PILOT PROJECT REGARDING CASE MANAGEMENT TECHNIQUES FOR COMPLEX CIVIL CASES. This case is hereby designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York (the "Pilot Project"). The parties are directed to the court's website for a description of the Pilot Project, including procedures to be followed, at <a href="http://www.nysd.uscourts.gov">www.nysd.uscourts.gov</a> . (Signed by Judge Loretta A. Preska on 10/31/2011) (tro) (Entered: 04/11/2012)
04/11/2012	<u>3</u>	NOTICE of Plaintiff's Explanation of Consent Decree Procedures. Document filed by United States of America. (Fairchild, Stephen) (Entered: 04/11/2012)
04/11/2012	<u>4</u>	<b>FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT –</b> NOTICE of Stipulation Concerning Entry of PROPOSED Final Judgment as to Defendants Hachette, HarperCollins, and Simon & Schuster, After Compliance with the APPA. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit PROPOSED Final Judgment as to Defendants Hachette, HarperCollins, and Simon & Schuster)(Fairchild, Stephen) Modified on 4/12/2012 (ka). (Entered: 04/11/2012)
04/11/2012	<u>5</u>	NOTICE of Competitive Impact Statement. Document filed by United States of America. (Fairchild, Stephen) (Entered: 04/11/2012)
04/11/2012		CASE ACCEPTED AS RELATED. Create association to 1:11-md-02293-DLC. Notice of Assignment to follow. (pgu) (Entered: 04/11/2012)
04/11/2012		CONSOLIDATED MDL CASE: Create association to 1:11-md-02293-DLC. (pgu) (Entered: 04/11/2012)
04/11/2012	<u>6</u>	NOTICE OF CASE ASSIGNMENT to Judge Denise L. Cote. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 04/11/2012)
04/11/2012		Magistrate Judge Michael H. Dolinger is so designated. (pgu) (Entered: 04/11/2012)
04/12/2012		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney Stephen Thayer Fairchild to E-MAIL to <a href="mailto:judgments@nysd.uscourts.gov">judgments@nysd.uscourts.gov</a>., Document No. <u>4</u> Stipulation. This document is not filed via ECF. (ka)</b> (Entered: 04/12/2012)
04/12/2012	<u>7</u>	ORDER: Conference set for 4/18/2012 at 02:00 PM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. Counsel representing parties in any related litigation, including The State of Texas, et al. vs Penquin Group (USA) Inc., et al., 12 CV 0324(W.D. TX), may also attend. Counsel for the defendants are requested to notify the plaintiffs in any related action of this Order. (Signed by Judge Denise L. Cote on 4/12/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 04/12/2012)
04/12/2012	<u>8</u>	Letter addressed to Judge Denise L. Cote from Daniel McCuaig dated 4/11/2012 re: counsel for plaintiff United States to submit two courtesy copies of the following documents filed today regarding the above-referenced case: 1. Complaint 2. Stipulation and Proposed Final Judgment 3. Competitive Impact Statement 4. Plaintiff United States' Explanation of Consent Decree Procedures,. Document filed by United States of America.(pl) (Entered: 04/13/2012)
04/13/2012	17	Letter addressed to Judge Denise L Cote from Daniel McCuaig dated 4/11/2012 re: settlement with defendants Hachette Books, HarperCollins, and Simon & Schuster. Document filed by United States of America.(cd) (Entered: 04/19/2012)
04/17/2012	<u>9</u>	NOTICE OF APPEARANCE by Joel M. Mitnick on behalf of Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH (Mitnick, Joel) (Entered: 04/17/2012)

04/17/2012	<u>10</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) Modified on 4/26/2012 (gp). Modified on 4/26/2012 (gp). (Entered: 04/17/2012)
04/17/2012	<u>11</u>	NOTICE OF APPEARANCE by Alexandra Shear on behalf of Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH (Shear, Alexandra) (Entered: 04/17/2012)
04/18/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 4/18/2012. Court Reporter: Denise Richards present Associated Cases: 1:11-md-02293-DLC et al.(djc) (Entered: 04/20/2012)
04/18/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 4/18/2012. Court Reporter: Denise Richards present. (mro) (Entered: 04/23/2012)
04/19/2012	<u>12</u>	NOTICE OF APPEARANCE by Shepard Goldfein on behalf of HarperCollins Publishers L.L.C. (Goldfein, Shepard) (Entered: 04/19/2012)
04/19/2012	<u>13</u>	NOTICE OF APPEARANCE by Paul Madison Eckles on behalf of HarperCollins Publishers L.L.C. (Eckles, Paul) (Entered: 04/19/2012)
04/19/2012	<u>14</u>	NOTICE OF APPEARANCE by Clifford Hank Aronson on behalf of HarperCollins Publishers L.L.C. (Aronson, Clifford) (Entered: 04/19/2012)
04/19/2012	<u>15</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent News Corporation for HarperCollins Publishers L.L.C.. Document filed by HarperCollins Publishers L.L.C..(Eckles, Paul) (Entered: 04/19/2012)
04/19/2012	<u>16</u>	NOTICE of Certification of Defendant HarperCollins Pursuant to 15 U.S.C. §16(g). Document filed by HarperCollins Publishers L.L.C.. (Aronson, Clifford) (Entered: 04/19/2012)
04/20/2012	<u>18</u>	NOTICE OF APPEARANCE by Jennifer R. Scullion on behalf of Simon &Schuster, Inc. (Attachments: # <u>1</u> Certificate of Service)(Scullion, Jennifer) (Entered: 04/20/2012)
04/20/2012	<u>19</u>	NOTICE of Defendant Simon &Schuster Inc.'s Description and Certification of Written or Oral Communications Concerning the Proposed Final Judgment in this Action. Document filed by Simon &Schuster, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Scullion, Jennifer) (Entered: 04/20/2012)
04/20/2012	<u>20</u>	NOTICE OF APPEARANCE by Helene Debra Jaffe on behalf of Simon &Schuster, Inc. (Attachments: # <u>1</u> Certificate of Service)(Jaffe, Helene) (Entered: 04/20/2012)
04/20/2012	<u>21</u>	NOTICE OF APPEARANCE by James W. Quinn on behalf of Simon &Schuster, Inc. (Quinn, James) (Entered: 04/20/2012)
04/20/2012	<u>22</u>	NOTICE OF APPEARANCE by Yehudah Lev Buchweitz on behalf of Simon &Schuster, Inc. (Buchweitz, Yehudah) (Entered: 04/20/2012)
04/20/2012	<u>23</u>	NOTICE OF APPEARANCE by Walter B. Stuart, IV on behalf of Hachette Book Group, Inc. (Stuart, Walter) (Entered: 04/20/2012)
04/20/2012	<u>24</u>	NOTICE OF APPEARANCE by Samuel Joseph Rubin on behalf of Hachette Book Group, Inc. (Rubin, Samuel) (Entered: 04/20/2012)
04/20/2012	<u>25</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Hachette Livre USA, Inc., Corporate Parent Lagardere SCA, Corporate Parent Lagardere North America Inc., Corporate Parent Hachette SAS for Hachette Book Group, Inc.. Document filed by Hachette Book Group, Inc..(Stuart, Walter) (Entered: 04/20/2012)
04/20/2012	<u>26</u>	NOTICE of Certification of Defendant Hachette Book Group Pursuant to 15 U.S.C. Section 16(g). Document filed by Hachette Book Group, Inc.. (Stuart, Walter) (Entered: 04/20/2012)

04/23/2012	<u>27</u>	CASE MANAGEMENT ORDER: It is hereby ORDERED as follows: 1. Any application by Penguin Group USA, Inc. to withdraw its Motion to Compel Arbitration and Stay Proceedings must be submitted by April 27, 2012. 2. The Government and defendants Hachette Book Group, Inc.; HarperCollins Publishers L.L.C.; and Simon & Schuster, Inc. (collectively, the "Settling Parties") shall submit a proposed order for a stay by April 30, 2012. 3. The Government shall file any motion with respect to a proposed final judgment by July 27. Any submissions in response to this motion by a party in one of the above-captioned actions shall be filed by August 8, 2012, and shall not exceed 5 pages. The limit of 10 pages described at the conference is hereby reduced to 5 pages. The Government shall have until August 15, 2012 to file any reply. IT IS FURTHER ORDERED that a conference in these actions, and any related actions subsequently accepted by this Court, will be held on June 22, 2012 at 2:30 p.m. at the United States Courthouse, 500 Pearl Street, New York, New York, in Courtroom 15B. IT IS FURTHER ORDERED that prior to the June 22, 2012 conference, the parties in these actions, and any related actions subsequently accepted by this Court, shall submit to the Court a proposal for coordinated discovery and a proposed confidentiality agreement. Motions due by 7/27/2012. Responses due by 8/8/2012. Replies due by 8/15/2012. Status Conference set for 6/22/2012 at 02:30 PM in Courtroom 15B, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 4/23/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(rjm) (Entered: 04/24/2012)
04/25/2012	<u>28</u>	ORDER: ORDERED that, unless Penguin advises the Court by April 30, 2012 that it wishes its March 2 motion to stay proceedings and compel arbitration to be addressed, the motion will be deemed withdrawn. IT IS FURTHER ORDERED that in the event Penguin files a renewed motion to arbitrate, any party opposing the motion may present any arguments that are appropriate, including that Penguin has waived its right to arbitrate. (Signed by Judge Denise L. Cote on 4/25/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(djc) (Entered: 04/26/2012)
04/26/2012	<u>29</u>	NOTICE OF APPEARANCE by Hane Lee Kim on behalf of Apple, Inc. (Kim, Hane) (Entered: 04/26/2012)
04/26/2012	<u>30</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Georg von Holtzbrinck GmbH & Co. KG for Holtzbrinck Publishers, LLC. Document filed by Holtzbrinck Publishers, LLC.(Mitnick, Joel) (Entered: 04/26/2012)
04/26/2012	<u>31</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) (Entered: 04/26/2012)
04/27/2012	<u>32</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Apple, Inc..(Kim, Hane) (Entered: 04/27/2012)
04/27/2012	<u>33</u>	Letter addressed to Judge Denise L. Cote from Daniel Floyd dated 4/25/2012 re: Per our discussion at the April 18, 2012 Status Conference, HaneL. Kim, my colleague from Gibson Dunn's New York office, will serve as coordinating counsel for non-settling defendants in the above-captioned actions. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(ama) (Entered: 04/27/2012)
05/01/2012	<u>34</u>	NOTICE OF APPEARANCE by Andrew Jay Frackman on behalf of Apple, Inc. (Frackman, Andrew) (Entered: 05/01/2012)
05/01/2012	<u>35</u>	NOTICE OF APPEARANCE by Edward Nathaniel Moss on behalf of Apple, Inc. (Moss, Edward) (Entered: 05/01/2012)
05/01/2012	<u>36</u>	Letter addressed to Judge Denise L Cote from Shepard Goldfein dated 4/30/2012 re: The settling defendants request that the Court enter the enclosed Stay Order. Document filed by HarperCollins Publishers L.L.C.Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 05/01/2012)
05/01/2012	<u>37</u>	Letter addressed to Judge Denise L Cote from Steve W Berman dated 4/30/2012 re: We submit an alternative Stay Order for the court's consideration. Document filed by Shilpa Grover et al.Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 05/01/2012)

05/01/2012	<u>38</u>	ORDER STAYING CASE until 7/11/2012 as to defendants HarperCollins Publishers, Hachette Book Group, Inc, Hachette Digital Inc. (settling defendants), and as further set forth in this document. (Signed by Judge Denise L. Cote on 5/1/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 05/01/2012)
05/01/2012	<u>39</u>	MOTION for Richard Parker to Appear Pro Hac Vice. Document filed by Apple, Inc.(pgu) (Entered: 05/02/2012)
05/03/2012	<u>40</u>	MEMO ENDORSEMENT on re: <u>39</u> Motion for Richard Parker to Appear Pro Hac Vice. ENDORSEMENT: Granted.. (Signed by Judge Denise L. Cote on 5/3/2012) (jfe) (Entered: 05/03/2012)
05/03/2012	<u>41</u>	NOTICE OF CHANGE OF ADDRESS by Edward Nathaniel Moss on behalf of Apple, Inc.. New Address: O'Melveny &Myers LLP, 7 Times Square, New York, NY, United States 10036, 212-326-2000. (Moss, Edward) (Entered: 05/03/2012)
05/08/2012		CASHIERS OFFICE REMARK on <u>39</u> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 05/01/2012, Receipt Number 1036930. (jd) Modified on 5/8/2012 (kco). (Entered: 05/08/2012)
05/08/2012	<u>42</u>	MOTION for Daniel S. Floyd, Daniel G. Swanson & Jagannathan P. Srinivasan to Appear Pro Hac Vice. Document filed by Apple, Inc.(pgu) (Entered: 05/09/2012)
05/09/2012	<u>43</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Denise L. Cote on 5/9/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(lmb) (Entered: 05/09/2012)
05/10/2012	<u>44</u>	NOTICE OF APPEARANCE by Eric Lipman on behalf of The State of Texas Filed In Associated Cases: 1:11-md-02293-DLC et al.(Lipman, Eric) (Entered: 05/10/2012)
05/10/2012		CASHIERS OFFICE REMARK on <u>42</u> Motion to Appear Pro Hac Vice in the amount of \$600.00, paid on 05/08/2012, Receipt Number 1037644,1037645,1037646. (jd) (Entered: 05/10/2012)
05/11/2012	<u>45</u>	ORDER granting <u>42</u> Motion for Daniel S. Floyd, Daniel G. Swanson, and Jagannathan P. Srinivasan, to Appear Pro Hac Vice. (Signed by Judge Denise L. Cote on 5/11/2012) (ama) (Entered: 05/11/2012)
05/11/2012	<u>46</u>	NOTICE OF APPEARANCE by Daniel F. McInnis on behalf of Penguin Group (USA), Inc., The Penguin Group (McInnis, Daniel) (Entered: 05/11/2012)
05/11/2012	<u>47</u>	NOTICE OF APPEARANCE by Allison Sheedy on behalf of Penguin Group (USA), Inc., The Penguin Group (Sheedy, Allison) (Entered: 05/11/2012)
05/16/2012	<u>48</u>	NOTICE OF APPEARANCE by Carrie Ann Syme on behalf of United States of America (Syme, Carrie) (Entered: 05/16/2012)
05/16/2012	<u>49</u>	NOTICE OF CHANGE OF ADDRESS by Carrie Ann Syme on behalf of United States of America. New Address: United States Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, NY, US 10278, (212) 335-8036. (Syme, Carrie) (Entered: 05/16/2012)
05/16/2012	<u>50</u>	NOTICE OF APPEARANCE by David Joseph Carey on behalf of Holtzbrinck Publishers, LLC (Carey, David) (Entered: 05/16/2012)
05/16/2012	<u>51</u>	NOTICE OF APPEARANCE by John Joseph Lavelle on behalf of Holtzbrinck Publishers, LLC (Lavelle, John) (Entered: 05/16/2012)
05/22/2012	<u>52</u>	NOTICE OF APPEARANCE by Daniel S. Floyd on behalf of Apple, Inc. (Floyd, Daniel) (Entered: 05/22/2012)
05/22/2012	<u>53</u>	NOTICE OF APPEARANCE by Daniel G. Swanson on behalf of Apple, Inc. (Swanson, Daniel) (Entered: 05/22/2012)
05/22/2012	<u>54</u>	ANSWER to <u>1</u> Complaint,. Document filed by Apple, Inc.(Floyd, Daniel) (Entered: 05/22/2012)

05/29/2012	<u>55</u>	NOTICE OF APPEARANCE by Lawrence Edward Buterman on behalf of United States of America (Buterman, Lawrence) (Entered: 05/29/2012)
05/29/2012	<u>56</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Pearson plc for Penguin Group (USA), Inc., The Penguin Group. Document filed by Penguin Group (USA), Inc., The Penguin Group.(McInnis, Daniel) (Entered: 05/29/2012)
05/29/2012	<u>57</u>	ANSWER to <u>1</u> Complaint,. Document filed by Penguin Group (USA), Inc., The Penguin Group.(McInnis, Daniel) (Entered: 05/29/2012)
05/29/2012	<u>58</u>	ANSWER to <u>1</u> Complaint,. Document filed by Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) (Entered: 05/29/2012)
05/29/2012	<u>59</u>	ANSWER to <u>1</u> Complaint,. Document filed by Holtzbrinck Publishers, LLC.(Mitnick, Joel) (Entered: 05/29/2012)
06/11/2012	<u>60</u>	ENDORSED LETTER addressed to Judge Denise L Cote from Daniel McCuaig dated 6/7/2012 re: Accordingly, tll e United States asks that the Court excuse publication of the public comments in the Federal Register and, instead, allow comments to be posted on the Antitrust Division website in conjunction with Federal Register publication of the internet address at which comments can be read and downloaded. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 6/11/2012) (cd) (Entered: 06/11/2012)
06/12/2012	<u>61</u>	NOTICE of Executed Waivers of Service by Defendants. Document filed by United States of America. (Attachments: # <u>1</u> Waiver of Service by Apple, Inc., # <u>2</u> Waiver of Service by Hachette Book Group, Inc., # <u>3</u> Waiver of Service by HarperCollins Publishers L.L.C., # <u>4</u> Waiver of Service by Verlagsgruppe Georg von Holtzbrinck GmbH, # <u>5</u> Waiver of Service by Holtzbrinck Publishers, LLC d/b/a Macmillan, # <u>6</u> Waiver of Service by The Penguin Group, A Division of Pearson PLC, # <u>7</u> Waiver of Service by Penguin Group (USA), Inc., # <u>8</u> Waiver of Service by Simon & Schuster, Inc.)(Buterman, Lawrence) (Entered: 06/12/2012)
06/13/2012	63	MOTION for Stephanie A. Fleming to Appear Pro Hac Vice. Document filed by United States of America.(pgu) (Entered: 06/14/2012)
06/14/2012	<u>62</u>	NOTICE OF APPEARANCE by Mark W Ryan on behalf of United States of America (Ryan, Mark) (Entered: 06/14/2012)
06/15/2012	<u>64</u>	STATUS REPORT. <i>Joint Initial Report of All Parties</i> Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Proposed Schedules, # <u>2</u> Exhibit Parties' Current Disputes, # <u>3</u> Exhibit Joint ESI Submission)(Syme, Carrie) (Entered: 06/15/2012)
06/18/2012	<u>65</u>	MEMO ENDORSEMENT on 63 Motion for Stephanie A. Fleming to Appear Pro Hac Vice. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 6/18/2012) (djc) (Entered: 06/19/2012)
06/20/2012	<u>66</u>	Letter addressed to Judge Denise L Cote from Daniel Floyd dated 6/19/2012 re: Apple's position on the remaining disputes among the parties re joint initial report. Document filed by Apple, Inc.Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/20/2012	<u>67</u>	Letter addressed to Judge Denise L Cote from Steve W Berman dated 6/20/2012 re: Disputes to the Joint Initial Report, filed by Class Plaintiffs. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/20/2012	<u>68</u>	Letter addressed to Judge Denise L Cote from Joel M Mitnick dated 6/20/2012 re: Remaining Disputes and the Joint Initial Report. Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH.Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/20/2012	<u>69</u>	Letter addressed to Judge Denise L Cote from Gabriel R Gervy and W. Joseph Nielsen dated 6/20/2012 re: Plaintiff States request that the Court adopt the Plaintiffs' proposed schedule. Document filed by Plaintiff States.Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC,

		1:12-cv-03394-DLC(cd) (Entered: 06/21/2012)
06/21/2012	<u>70</u>	Letter addressed to Judge Denise L Cote from Mark W Ryan dated 6/20/2012 re: Discovery should proceed without delay and the resolution of the United States' claims need not be combined with trials in the other set of cases. Document filed by United States of America. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(cd) (Entered: 06/21/2012)
06/22/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 6/22/2012. (Court Reporter Pam Utter) Associated Cases: 1:11-md-02293-DLC et al.(gr) (Entered: 07/12/2012)
06/22/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference held on 6/22/2012. (Court Reporter Pam Utter) (gr) (Entered: 07/12/2012)
06/25/2012	<u>71</u>	SCHEDULING ORDER: Amended Initial Report due by 7/6/2012. Government shall file any motion with respect to a proposed final judgment in 12cv2826 by 8/3/2012, Responses due by 8/15/2012, replies due by 8/22/2012. Fact Discovery due by 3/22/2012. Expert Discovery due by 3/22/2012. The plaintiffs in 12cv3394 shall submit by 8/20/2012, any motion for preliminary approval of any settlement agreement. Any motion to certify class in 11MD2293 must be submitted by 11/16/2012. The defendants' opposition due by 12/14/2012. Plaintiffs' reply due by 1/18/2012. Joint pretrial order due by 4/26/2013 in 12cv2826. Motions in limine in 12cv2826 are due by 4/26/2012, responses due by 5/3/2012, replies due by 5/8/2012. Final pretrial conference in 12cv2826 is scheduled for 5/24/2013 at 2:00 p.m. in Courtroom 15B, 500 Pearl Street. Trial in 12cv2826 will begin on 6/3/2013 at 9:30 a.m. Any motion for summary judgment in the above listed actions in 11MD2293 or 12cv3394 must be served by 9/13/2013, any opposition served by 10/4/2012, any reply due by 10/18/2012. All other deadlines are as set forth in this order. (Signed by Judge Denise L. Cote on 6/25/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(jar) (Entered: 06/25/2012)
06/25/2012	<u>72</u>	ORDER: With respect to these cases only, communications with Chambers by letter shall not exceed two pages in length and shall be e-mailed as a pdf attachment to the following address: see order. A copy shall simultaneously be delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court. No e-mailed letter shall be sent to the Court by mail unless it has an attachment greater than ten pages. (Signed by Judge Denise L. Cote on 6/25/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(jar) (Entered: 06/25/2012)
06/26/2012	73	Letter addressed to Judge Denise L. Cote from Mark W. Ryan dated 6/20/12 re: The United States believes that discovery should proceed without delay and that the resolution of the United States' claims need not be combined with trials in the other sets of cases. Document filed by United States of America. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(mro) (Entered: 06/26/2012)
06/27/2012	<u>74</u>	Letter addressed to Judge Denise L Cote from Gabriel R Gervy and Gary Becker dated 6/26/2012 re: Plaintiff states are aenable to a bench trial. Document filed by The State of Texas. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(cd) (Entered: 06/28/2012)
07/06/2012	<u>75</u>	MOTION for DAVID J. CAREY to Withdraw as Attorney <i>and [Proposed] Order</i> . Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH.(Mitnick, Joel) (Entered: 07/06/2012)
07/06/2012	<u>76</u>	STATUS REPORT. <i>Revised Joint Initial Report</i> Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Schedule, # <u>2</u> Exhibit Revised ESI Report) Filed In Associated Cases: 1:11-md-02293-DLC et al.(Syme, Carrie) (Entered: 07/06/2012)
07/09/2012	<u>77</u>	ORDER: It is hereby ordered that the stay in this litigation as to defendant Hachette Digital, Inc. is extended from July 11, 2011 to August 10, 2012. (Signed by Judge Denise L. Cote on 7/9/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(js) (Entered: 07/10/2012)



07/12/2012	<u>78</u>	TRANSCRIPT of Proceedings re: CONFERNCE held on 6/22/2012 before Judge Denise L. Cote. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/6/2012. Redacted Transcript Deadline set for 8/16/2012. Release of Transcript Restriction set for 10/15/2012.(McGuirk, Kelly) (Entered: 07/12/2012)
07/12/2012	<u>79</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 6/22/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/12/2012)
07/12/2012	<u>80</u>	Letter addressed to Judge Denise L. Cote from Mark W. Ryan dated 7/11/2012 re: The United States respectfully submits this response to Mr. Kohn's July 9, 2012 letter. Document filed by United States of America.(ama) (Entered: 07/12/2012)
07/17/2012		<b>***DELETED DOCUMENT. Deleted document number 83 Letter. The document was incorrectly filed in this case. Duplicate of entry 80 . (tro)</b> (Entered: 07/30/2012)
07/23/2012	<u>81</u>	RESPONSE to <i>Public Comments on the Proposed Final Judgment</i> . Document filed by United States of America. (Fleming, Stephanie) (Entered: 07/23/2012)
07/26/2012	<u>82</u>	MEMO ENDORSED in case 1:11-cv-05576-DLC; granting (201) Motion for George Farah to Appear Pro Hac Vice in case 1:11-md-02293-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05576-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05609-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05621-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05707-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05750-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05896-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05898-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-05976-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-06019-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-06079-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-07507-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-07534-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-07323-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-08329-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-08608-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09016-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09014-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09559-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09560-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09561-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09562-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09563-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09564-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09565-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09566-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:11-cv-09567-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:12-cv-00476-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:12-cv-02826-DLC; granting <input type="checkbox"/> Motion for George Farah to Appear Pro Hac Vice in case 1:12-cv-03394-DLC. (Signed by Judge Denise L. Cote on 7/26/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(cd) (Entered: 07/27/2012)

07/31/2012	<u>83</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc. (Attachments: # <u>1</u> Affidavit Declaration of David N. Wynn with exhibits, # <u>2</u> Text of Proposed Order Proposed Order)(Wynn, David) Modified on 8/1/2012 (db). (Entered: 07/31/2012)
07/31/2012	<u>84</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – MEMORANDUM OF LAW in Support re: <u>83</u> MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc. (Wynn, David) Modified on 8/1/2012 (db). (Entered: 07/31/2012)
08/01/2012		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Neal Wynn to RE-FILE Document <u>83</u> MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment. ERROR(S): Supporting Documents are filed separately, each receiving their own document #.</b> (db) (Entered: 08/01/2012)
08/01/2012		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Neal Wynn to RE-FILE Document <u>84</u> Memorandum of Law in Support of Motion. ERROR(S): Document linked to filing error.</b> (db) (Entered: 08/01/2012)
08/01/2012	<u>85</u>	MOTION for Leave to File Amici Curiae Responses to DOJ's 7–23–12 Response to Public Comments and 8–3–12 Motion to Enter Proposed Final Judgment. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc..(Wynn, David) (Entered: 08/01/2012)
08/01/2012	<u>86</u>	DECLARATION of David N. Wynn in Support re: <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7–23–12 Response to Public Comments and 8–3–12 Motion to Enter Proposed Final Judgment.. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc.. (Wynn, David) (Entered: 08/01/2012)
08/01/2012	<u>87</u>	MEMORANDUM OF LAW in Support re: <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7–23–12 Response to Public Comments and 8–3–12 Motion to Enter Proposed Final Judgment.. Document filed by American Booksellers Association, Inc., Barnes & Noble, Inc.. (Wynn, David) (Entered: 08/01/2012)
08/03/2012	<u>88</u>	MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)–(h). Document filed by United States of America.(Fleming, Stephanie) (Entered: 08/03/2012)
08/03/2012	<u>89</u>	DECLARATION of Stephanie A. Fleming in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)–(h).. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Certificate of Compliance, # <u>2</u> Exhibit Proposed Final Judgment)(Fleming, Stephanie) (Entered: 08/03/2012)
08/03/2012	<u>90</u>	MEMORANDUM OF LAW in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)–(h). Document filed by United States of America. (Fleming, Stephanie) (Entered: 08/03/2012)
08/03/2012	<u>91</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Booksellers Association, Inc..(Wynn, David) (Entered: 08/03/2012)
08/06/2012	<u>92</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate Liberty Media Corporation, Other Affiliate Liberty GIC, Inc., for Barnes & Noble, Inc.. Document filed by Barnes & Noble, Inc..(Wynn, David) (Entered: 08/06/2012)
08/06/2012	<u>93</u>	MEMORANDUM OPINION & ORDER re: #102195 <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7–23–12 Response to Public Comments and 8–3–12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes & Noble, Inc. The August 1, 2012 motion submitted by

		the ABA and Barnes & Noble for leave to file amici curiae responses to DoJ's Tunney Act filings is granted. The submission from the ABA and Barnes & Noble in support of the August 1 motion will be accepted as amici curiae response to the DoJ's Tunney Act filings. No additional filings from the ABA and Barnes & Noble shall be permitted. (Signed by Judge Denise L. Cote on 8/6/2012) (lmb) Modified on 8/15/2012 (jab). (Entered: 08/06/2012)
08/07/2012	<u>94</u>	ORDER: that any corrections or observations by Apple that pertain to the Government's Response and motion remain limited to five pages. Apple was required to set forth its analysis of any "substantive deficiencies in the proposed settlement" in its submission during the public comment period. In reviewing the Government's motion, the Court will consider Apple's nine page public comment as well as any submission it makes on August 15. IT IS FURTHER ORDERED that the Court will inform the parties after the motion is fully submitted whether either oral argument or a hearing on the motion would be of assistance to the Court. (Signed by Judge Denise L. Cote on 8/7/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(pl) (Entered: 08/07/2012)
08/13/2012	<u>95</u>	MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Bob Kohn. (Attachments: # <u>1</u> Exhibit Good Standing Certificate)(Brower, Steven) (Entered: 08/13/2012)
08/13/2012	<u>96</u>	MOTION to File Amicus Brief. Document filed by Bob Kohn.(Brower, Steven) Modified on 9/6/2012 (jfe). (Entered: 08/13/2012)
08/13/2012	<u>97</u>	MEMORANDUM OF LAW in Support re: <u>96</u> MOTION to File Amicus Brief.. Document filed by Bob Kohn. (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief)(Brower, Steven) (Entered: 08/13/2012)
08/13/2012		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>95</u> MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Missing Proposed Order. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a Proposed Order. (bcu)</b> (Entered: 08/13/2012)
08/13/2012	<u>98</u>	AMENDED MOTION for Steven Brower to Appear Pro Hac Vice ( <i>With Proposed Order</i> ). <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Bob Kohn. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Brower, Steven) (Entered: 08/13/2012)
08/13/2012		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>98</u> AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (<i>With Proposed Order</i>). Motion and supporting papers to be reviewed by Clerk's Office staff.AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (<i>With Proposed Order</i>). Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu)</b> (Entered: 08/13/2012)
08/15/2012	<u>99</u>	MEMORANDUM OF LAW in Opposition re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Apple, Inc.. (Parker, Richard) (Entered: 08/15/2012)
08/15/2012	<u>100</u>	MOTION to File Amicus Brief and Participate as Amicus Curiae. Document filed by The Authors Guild, Inc..(Levien, Jan) (Entered: 08/15/2012)
08/15/2012	<u>101</u>	MEMORANDUM OF LAW in Support re: <u>100</u> MOTION to File Amicus Brief and Participate as Amicus Curiae.. Document filed by The Authors Guild, Inc.. (Attachments: # <u>1</u> Exhibit Memorandum of [Proposed] Amicus Curiae the Authors Guild, Inc.)(Levien, Jan) (Entered: 08/15/2012)
08/15/2012	<u>102</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The Authors Guild, Inc..(Levien, Jan) (Entered: 08/15/2012)
08/15/2012	<u>103</u>	MEMORANDUM OF LAW in Opposition re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Penguin Group

		(USA), Inc., The Penguin Group. (McInnis, Daniel) (Entered: 08/15/2012)
08/15/2012	<u>104</u>	MEMORANDUM OF LAW in Opposition re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by Holtzbrinck Publishers, LLC. (Mitnick, Joel) (Entered: 08/15/2012)
08/22/2012	<u>105</u>	REPLY MEMORANDUM OF LAW in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by United States of America. (Fleming, Stephanie) (Entered: 08/22/2012)
08/22/2012	<u>106</u>	DECLARATION of Karry Lu in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Fleming, Stephanie) (Entered: 08/22/2012)
08/27/2012	<u>107</u>	MEMO ENDORSEMENT on re: <u>75</u> Motion to Withdraw as Attorney. Attorney David Joseph Carey terminated. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 8/27/2012) (jfe) (Entered: 08/28/2012)
08/28/2012	<u>108</u>	ORDER granting <u>96</u> Motion to File Amicus Brief; granting <u>100</u> Motion to File Amicus Brief. The August 13, 2012 and August 15, 2012 motions by Kohn and the Authors Guild for leave to file amicus curiae responses to DOJ's Tunney Act filings are granted. The Authors Guild's proposed response is accepted. Any amicus curiae response by Kohn must be submitted by September 4, 2012 and must not exceed five pages in length. (Signed by Judge Denise L. Cote on 8/28/2012) (jfe) Modified on 9/6/2012 (jfe). (Entered: 08/29/2012)
08/28/2012		Set/Reset Deadlines: Responses due by 9/4/2012 (jfe) (Entered: 08/29/2012)
08/28/2012	<u>109</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>98</u> Motion for Steven Brower to Appear Pro Hac Vice. (Signed by Judge Denise L. Cote on 8/28/2012) (jfe) (Entered: 08/29/2012)
09/04/2012	<u>110</u>	BRIEF re: <u>108</u> Order on Motion to File Amicus Brief,, <i>5 PAGE VERSION AMICUS BRIEF of Bob Kohn</i> . Document filed by Bob Kohn.(Brower, Steven) (Entered: 09/04/2012)
09/05/2012	<u>111</u>	SUPPLEMENTAL REPLY MEMORANDUM OF LAW in Support re: <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h).. Document filed by United States of America. (Buterman, Lawrence) (Entered: 09/05/2012)
09/05/2012	<u>112</u>	Letter addressed to Judge Denise Cote from Simon Lipskar, President Writers House dated 8/10/2012 re: As you are likely aware, I sent a fairly extensive comment to the Department of Justice regarding the proposed settlement in the ebook pricing case. As the time draws near for you to render your judgment as to whether this settlement is in the public interest, I felt that it behooved me to write directly to you to express how profoundly the government had failed to address the objections raised to the settlement in its response to the Tunney Act comments. I apologize in advance for weighing down your desk with even more paper related to this highly contentious – but critically important– matter. (ama) (Entered: 09/05/2012)
09/05/2012	<u>113</u>	OPINION AND ORDER re: #102322 <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h), filed by United States of America. Plaintiff the United States of America (the "Government") brings this civil antitrust action against defendants Apple, Inc. (Apple); Hachette Book Group, Inc. (Hachette); HarperCollins Publishers L.L.C. (HarperCollins); Verlagsgruppe Georg Von Holtzbrinck GMBH and Holtzbrinck Publishers, LLC d/b/a MacMillan (collectively, MacMillan); The Penguin Group, a division of Pearson PLC and Penguin Group (USA), Inc. (collectively, Penguin); and Simon &Schuster, Inc. (Simon &Schuster). The Government has moved for entry of a proposed Final Judgment with respect to defendants Hachette, HarperCollins, and Simon &Schuster (the Settling Defendants), pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the APPA or Tunney Act). For the following reasons, the motion for entry of Final Judgment is granted. The Government's August 3, 2012 motion for entry of the proposed Final Judgment is granted.

		(Signed by Judge Denise L. Cote on 9/5/2012) (ja) Modified on 9/6/2012 (ad). Modified on 9/11/2012 (jab). (Entered: 09/06/2012)
09/05/2012		Transmission to Judgments and Orders Clerk. Transmitted re: <u>113</u> Opinion & Order, to the Judgments and Orders Clerk. (ja) (Entered: 09/06/2012)
09/06/2012	<u>118</u>	ORDER: It is hereby ORDERED that a telephone conference regarding the August 29 motion will be held on September 10, 2012 at 4:00 P.M. IT IS FURTHER ORDERED that any parties in the above-captioned actions who wish to appear at the September 10 telephone conference shall contact the offices of plaintiff states' liaison counsel, Rebecca Fisher, the State of Texas Attorney General's Office, P.O. Box 12548, Austin, TX 78711, 512-463-1265. ( Telephone Conference set for 9/10/2012 at 04:00 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 9/6/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC, 1:12-cv-06625-DLC(jfe) (Entered: 09/07/2012)
09/06/2012	<u>119</u>	FINAL JUDGMENT as to Defendants Hachette Book Group, Inc., HarperCollins Publishers L.L.C., and Simon & Schuster, Inc. settling action as to them. (Signed by Judge Denise L. Cote on 9/6/12) (Attachments: # <u>1</u> NOTICE OF RIGHT TO APPEAL)(ml) (Entered: 09/07/2012)
09/06/2012	<u>123</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Daneil Ferrel McInnis dated 8/15/2012 re: Penguin requests that the Court file the enclosed Exhibit A under seal. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 9/6/2012) (jfe) (Entered: 09/12/2012)
09/06/2012		Transmission to Sealed Records Clerk. Transmitted re: <u>123</u> Endorsed Letter, to the Sealed Records Clerk for the sealing or unsealing of document or case. (jfe) (Entered: 09/12/2012)
09/07/2012	<u>114</u>	MOTION to Intervene <i>for Purposes of Appeal</i> . Document filed by Bob Kohn. (Attachments: # <u>1</u> Text of Proposed Order)(Brower, Steven) (Entered: 09/07/2012)
09/07/2012	<u>115</u>	MEMORANDUM OF LAW in Support re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> .. Document filed by Bob Kohn. (Brower, Steven) (Entered: 09/07/2012)
09/07/2012	<u>116</u>	MOTION to Stay re: <u>113</u> Memorandum & Opinion,,, <i>Pending Appeal</i> . Document filed by Bob Kohn. (Attachments: # <u>1</u> Text of Proposed Order)(Brower, Steven) (Entered: 09/07/2012)
09/07/2012	<u>117</u>	MEMORANDUM OF LAW in Support re: <u>116</u> MOTION to Stay re: <u>113</u> Memorandum & Opinion,,, <i>Pending Appeal</i> .. Document filed by Bob Kohn. (Brower, Steven) (Entered: 09/07/2012)
09/10/2012	120	SEALED DOCUMENT placed in vault.(mps) (Entered: 09/11/2012)
09/10/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 9/10/2012. (Court Reporter Rebecca Forman) Associated Cases: 1:11-md-02293-DLC et al.(gr) (Entered: 09/11/2012)
09/10/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 9/10/2012. (Court Reporter Rebecca Forman) (gr) (Entered: 09/11/2012)
09/10/2012	<u>121</u>	ORDER: Set Deadlines/Hearing as to <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> . Responses due by 9/17/2012, Replies, if any, due by 9/20/2012 and that at the time any reply is served, the moving party shall supply two courtesy copies of all motion papers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York. The motion to stay is denied. (Signed by Judge Denise L. Cote on 9/10/2012) (cd) (Entered: 09/11/2012)
09/12/2012	<u>122</u>	Letter addressed to Judge Denise Cote from Bob Kohn dated 9/12/2012 re: Last evening, I received a copy of your honor's Order dated September 10, 2012, regarding my motions to intervene for the sole purpose of appeal and to stay the Final Judgment. I am writing to respectfully request that you promptly take one of the following actions. Document filed by Bob Kohn.(ama) (Entered: 09/12/2012)

09/14/2012	<u>124</u>	Letter addressed to Judge Denise L. Cote from Mark W. Ryan dated 9/13/2012 re: Counsel writes to object to Apple's discovery request because it calls for the production of protected attorney work product. Document filed by United States of America.(ft) (Entered: 09/14/2012)
09/14/2012	<u>125</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Daniel S. Floyd dated 9/10/2012 re: Counsel for the defendant requests that the Court schedule a pre-motion conference. ENDORSEMENT: Denied. (Signed by Judge Denise L. Cote on 9/14/2012) (ft) (Entered: 09/14/2012)
09/14/2012	<u>126</u>	Letter addressed to Judge Denise L. Cote from Daniel Ferrel Mcinnis dated 9/13/2012 re: Counsel writes to follow up regarding Exhibit A to Penguin's Observations with Respect to the Government's Response to Public Comments and Motion For Entry of Final Judgment (DE 103). Document filed by Penguin Group (USA), Inc., The Penguin Group.(ft) (Entered: 09/14/2012)
09/17/2012	<u>127</u>	MEMORANDUM OF LAW in Opposition re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> . Document filed by United States of America. (Fairchild, Stephen) (Entered: 09/17/2012)
09/17/2012	<u>128</u>	MEMORANDUM OF LAW in Opposition re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> .. Document filed by HarperCollins Publishers L.L.C.. (Goldfein, Shepard) (Entered: 09/17/2012)
09/18/2012	<u>129</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Andrew J. Frackman dated 9/17/2012 re: Counsel writes in response to Amazon's September 14 letter. We disagree with Amazon and believe the case authority shows that this Court, where the MDL is pending, has jurisdiction over discovery disputes. We enclose a courtesy copy of the notice we have filed in the Western District of Washington that sets forth the relevant case authority. ENDORSEMENT: This Court shall promptly address the discovery dispute in the event it is transferred from the Western District of Washington. (Signed by Judge Denise L. Cote on 9/18/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC (djc) (Entered: 09/18/2012)
09/20/2012	<u>130</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – REPLY</b> MEMORANDUM OF LAW in Support re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> .. Document filed by Bob Kohn. (Brower, Steven) Modified on 9/21/2012 (db). (Entered: 09/20/2012)
09/20/2012	<u>131</u>	Letter addressed to Judge Denise L. Cote from Steve W. Berman dated 9/20/2012 re: Class Plaintiffs write in response to Penguin's letter of September 19, 2012. Penguin's request to delay class certification is unwarranted. Penguin made no effort to confer with Class Plaintiffs or the Litigating States before contacting the Co mi. Had Penguin done so, it may not have caused the Court to expend resources on this issue. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(jfe) (Entered: 09/21/2012)
09/21/2012		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Steven Brower to RE-FILE Document <u>130</u> Reply Memorandum of Law in Support of Motion. ERROR(S): Rejected for non-conformance with Local Civil Rules 7.1(a)(2) and 11.1(b). (db)</b> (Entered: 09/21/2012)
09/21/2012	<u>132</u>	AMENDED REPLY MEMORANDUM OF LAW in Support re: <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> . (pursuant to clerk's notation requesting refile to comply with typeface rules). Document filed by Bob Kohn. (Brower, Steven) (Entered: 09/21/2012)
09/24/2012	<u>133</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>113</u> Memorandum & Opinion. (sj) (Entered: 09/25/2012)
09/25/2012	<u>134</u>	Letter addressed to Judge Denise L. Cote from Daniel Floyd dated 9/24/2012 re: Counsel writes to inform the Court that the DOJ's September 21, 2012 letter seeking an order that Apple not "delay" its document production fails to acknowledge the listed key facts establishing Apple's diligence. Document filed by Apple, Inc.(ft) (Entered: 09/25/2012)

09/25/2012	<u>135</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Mark W. Ryan dated 9/21/2012 re: Counsel requests that the Court order Apple to begin document production immediately and complete production by no later than October 19, 2012. ENDORSEMENT: The parties shall discuss any remaining objections that Apple has to the requested document production and the date by which Apple's document production shall be substantially complete. If any disputes remain unresolved after these discussions, a telephone conference will be held on October 4 at 10:00 am. (Telephone Conference set for 10/4/2012 at 10:00 AM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 9/25/2012) (ft) (Entered: 09/25/2012)
10/02/2012	<u>136</u>	MEMORANDUM OPINION AND ORDER # 102454: Bob Kohn's September 7, 2012 motion to intervene is denied. (Signed by Judge Denise L. Cote on 10/2/2012) (js) Modified on 10/5/2012 (ft). (Entered: 10/02/2012)
10/02/2012	<u>137</u>	NOTICE OF APPEAL from <u>136</u> Memorandum & Opinion. Document filed by Bob Kohn. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Attachments: # <u>1</u> Exhibit Order Denying Bob Kohn's Motion to Intervene)(Brower, Steven) (Entered: 10/02/2012)
10/03/2012		Appeal Fee Due: for <u>137</u> Notice of Appeal. Appeal fee due by 10/17/2012. (tp) (Entered: 10/03/2012)
10/03/2012		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>137</u> Notice of Appeal. (tp) (Entered: 10/03/2012)
10/03/2012		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>45</u> Order on Motion to Appear Pro Hac Vice, <u>115</u> Memorandum of Law in Support of Motion filed by Bob Kohn, <u>107</u> Order on Motion to Withdraw as Attorney, <u>55</u> Notice of Appearance filed by United States of America, <u>95</u> MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> filed by Bob Kohn, <u>118</u> Order, Set Hearings, <u>125</u> Endorsed Letter, <u>67</u> Letter, <u>96</u> MOTION to File Amicus Brief. filed by Bob Kohn, <u>43</u> Protective Order, <u>24</u> Notice of Appearance filed by Hachette Book Group, Inc., <u>129</u> Endorsed Letter, <u>4</u> Notice (Other), Notice (Other) filed by United States of America, <u>116</u> MOTION to Stay re: <u>113</u> Memorandum & Opinion, <i>Pending Appeal</i> filed by Bob Kohn, <u>51</u> Notice of Appearance filed by Holtzbrinck Publishers, LLC, <u>119</u> Judgment, <u>70</u> Letter, filed by United States of America, <u>97</u> Memorandum of Law in Support of Motion filed by Bob Kohn, <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes & Noble, Inc., <u>76</u> Status Report filed by United States of America, <u>13</u> Notice of Appearance filed by HarperCollins Publishers L.L.C., <u>113</u> Memorandum & Opinion, <u>25</u> Rule 7.1 Corporate Disclosure Statement, filed by Hachette Book Group, Inc., <u>12</u> Notice of Appearance filed by HarperCollins Publishers L.L.C., <u>29</u> Notice of Appearance filed by Apple, Inc., <u>15</u> Rule 7.1 Corporate Disclosure Statement filed by HarperCollins Publishers L.L.C., <u>106</u> Declaration in Support of Motion filed by United States of America, <u>20</u> Notice of Appearance filed by Simon & Schuster, Inc., <u>19</u> Notice (Other), Notice (Other) filed by Simon & Schuster, Inc., <u>10</u> Rule 7.1 Corporate Disclosure Statement filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, <u>132</u> Reply Memorandum of Law in Support of Motion filed by Bob Kohn, <u>62</u> Notice of Appearance filed by United States of America, <u>40</u> Order on Motion to Appear Pro Hac Vice, <u>82</u> Order on Motion to Appear Pro Hac Vice, <u>123</u> Endorsed Letter, <u>121</u> Order, Set Motion and RRDeadlines/Hearings, <u>8</u> Letter, filed by United States of America, <u>42</u> MOTION for Daniel S. Floyd, Daniel G. Swanson & Jagannathan P. Srinivasan to Appear Pro Hac Vice filed by Apple, Inc., <u>102</u> Rule 7.1 Corporate Disclosure Statement filed by The Authors Guild, Inc., <u>28</u> Order, <u>54</u> Answer to Complaint filed by Apple, Inc., <u>88</u> MOTION for Entry of Judgment under Rule 54(b) and §15 U.S.C. 16(b)-(h) filed by United States of America, <u>134</u> Letter, filed by Apple, Inc., <u>2</u> Order Designating Case Complex Civil Case, <u>60</u> Endorsed Letter, <u>58</u> Answer to Complaint filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, <u>35</u> Notice of Appearance filed by Apple, Inc., <u>124</u> Letter, filed by United States of America, <u>56</u> Rule 7.1 Corporate Disclosure Statement filed by Penguin Group (USA), Inc., The Penguin Group, <u>3</u> Notice (Other) filed by

United States of America, [127](#) Memorandum of Law in Opposition to Motion filed by United States of America, [7](#) Order, Set Deadlines/Hearings, [101](#) Memorandum of Law in Support of Motion, filed by The Authors Guild, Inc., [30](#) Rule 7.1 Corporate Disclosure Statement filed by Holtzbrinck Publishers, LLC, [105](#) Reply Memorandum of Law in Support of Motion filed by United States of America, [21](#) Notice of Appearance filed by Simon & Schuster, Inc., [84](#) Memorandum of Law in Support of Motion, filed by American Booksellers Association, Inc., Barnes & Noble, Inc., [41](#) Notice of Change of Address filed by Apple, Inc., [89](#) Declaration in Support of Motion, filed by United States of America, [39](#) MOTION for Richard Parker to Appear Pro Hac Vice. filed by Apple, Inc., [103](#) Memorandum of Law in Opposition to Motion filed by Penguin Group (USA), Inc., The Penguin Group, [87](#) Memorandum of Law in Support of Motion, filed by American Booksellers Association, Inc., Barnes & Noble, Inc., [126](#) Letter, filed by Penguin Group (USA), Inc., The Penguin Group, [37](#) Letter, filed by Shilpa Grover, [11](#) Notice of Appearance filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, [81](#) Response filed by United States of America, [128](#) Memorandum of Law in Opposition to Motion filed by HarperCollins Publishers L.L.C., [22](#) Notice of Appearance filed by Simon & Schuster, Inc., [72](#) Order, [50](#) Notice of Appearance filed by Holtzbrinck Publishers, LLC, [47](#) Notice of Appearance filed by Penguin Group (USA), Inc., The Penguin Group, [38](#) Order Staying Case, [75](#) MOTION for DAVID J. CAREY to Withdraw as Attorney *and [Proposed] Order* filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, [9](#) Notice of Appearance filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, [110](#) Brief filed by Bob Kohn, [64](#) Status Report filed by United States of America, [57](#) Answer to Complaint filed by Penguin Group (USA), Inc., The Penguin Group, [99](#) Memorandum of Law in Opposition to Motion filed by Apple, Inc., [83](#) MOTION for Leave to File Responses to DOJ's 7/23/12 Response to Public Comments and 8/3/12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes & Noble, Inc., [79](#) Notice of Filing Transcript, [27](#) Case Management Plan, [90](#) Memorandum of Law in Support of Motion filed by United States of America, [49](#) Notice of Change of Address filed by United States of America, [80](#) Letter filed by United States of America, [44](#) Notice of Appearance filed by The State of Texas, [68](#) Letter, filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, [61](#) Notice (Other), Notice (Other), Notice (Other) filed by United States of America, [111](#) Reply Memorandum of Law in Support of Motion filed by United States of America, [46](#) Notice of Appearance filed by Penguin Group (USA), Inc., The Penguin Group, [53](#) Notice of Appearance filed by Apple, Inc., [122](#) Letter, filed by Bob Kohn, [94](#) Order, [130](#) Reply Memorandum of Law in Support of Motion filed by Bob Kohn, [5](#) Notice (Other) filed by United States of America, [112](#) Letter, [77](#) Order, [86](#) Declaration in Support of Motion, filed by American Booksellers Association, Inc., Barnes & Noble, Inc., [100](#) MOTION to File Amicus Brief *and Participate as Amicus Curiae* filed by The Authors Guild, Inc., [14](#) Notice of Appearance filed by HarperCollins Publishers L.L.C., [32](#) Rule 7.1 Corporate Disclosure Statement filed by Apple, Inc., [33](#) Letter, [117](#) Memorandum of Law in Support of Motion filed by Bob Kohn, [109](#) Order on Motion to Appear Pro Hac Vice, [31](#) Rule 7.1 Corporate Disclosure Statement filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, [52](#) Notice of Appearance filed by Apple, Inc., [26](#) Notice (Other) filed by Hachette Book Group, Inc., [93](#) Memorandum & Opinion, [131](#) Letter, [69](#) Letter, [71](#) Scheduling Order, [137](#) Notice of Appeal, filed by Bob Kohn, [78](#) Transcript, [65](#) Order on Motion to Appear Pro Hac Vice, [1](#) Complaint, filed by United States of America, [66](#) Letter, filed by Apple, Inc., [104](#) Memorandum of Law in Opposition to Motion filed by Holtzbrinck Publishers, LLC, [18](#) Notice of Appearance filed by Simon & Schuster, Inc., [16](#) Notice (Other) filed by HarperCollins Publishers L.L.C., [92](#) Rule 7.1 Corporate Disclosure Statement filed by Barnes & Noble, Inc., [136](#) Memorandum & Opinion, [74](#) Letter, filed by The State of Texas, [98](#) AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (*With Proposed Order*), [Motion and supporting papers to be reviewed by Clerk's Office staff](#). AMENDED MOTION for Steven Brower to Appear Pro Hac Vice (*With Proposed Order*), [Motion and supporting papers to be reviewed by Clerk's Office staff](#). filed by Bob Kohn, [23](#) Notice of Appearance filed by Hachette Book Group, Inc., [133](#) Internet Citation, [91](#) Rule 7.1 Corporate Disclosure Statement filed by American Booksellers Association, Inc., [36](#) Letter, filed by HarperCollins



		Publishers L.L.C., <u>6</u> Notice of Case Assignment/Reassignment, <u>59</u> Answer to Complaint filed by Holtzbrinck Publishers, LLC, <u>108</u> Order on Motion to File Amicus Brief, <u>48</u> Notice of Appearance filed by United States of America, <u>135</u> Endorsed Letter, Set Hearings, <u>114</u> MOTION to Intervene <i>for Purposes of Appeal</i> filed by Bob Kohn, <u>34</u> Notice of Appearance filed by Apple, Inc. were transmitted to the U.S. Court of Appeals. (tp) Modified on 12/16/2013 (laq). (Entered: 10/03/2012)
10/09/2012		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 10/9/2012. (Court Reporter Ann Hairston) Associated Cases: 1:11-md-02293-DLC et al.(gr) (Entered: 10/10/2012)
10/12/2012	<u>138</u>	TRANSCRIPT of Proceedings re: CONFERNCE held on 9/10/2012 before Judge Denise L. Cote. Court Reporter/Transcriber: Rebecca Forman, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/5/2012. Redacted Transcript Deadline set for 11/16/2012. Release of Transcript Restriction set for 1/14/2013. Filed In Associated Cases: 1:11-md-02293-DLC et al.(McGuirk, Kelly) (Entered: 10/12/2012)
10/12/2012	<u>139</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 9/10/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:11-md-02293-DLC et al.(McGuirk, Kelly) (Entered: 10/12/2012)
10/16/2012		Appeal Fee Payment: for <u>137</u> Notice of Appeal,. Filing fee \$ 455.00, receipt number 0208-7906649. (Brower, Steven) (Entered: 10/16/2012)
10/16/2012	<u>140</u>	Letter addressed to Judge Denise L. Cote from Lawrence E. Buterman dated 10/15/2012 re: On the October 9, 2012 conference call with the Court, counsel for Penguin and Macmillan suggested that before they could disavow an Illinois Brick defense to the putative class claims, they required the United States to provide an answer to an agency-related request for admission that Apple had served on the United States. (rjm) (Entered: 10/16/2012)
10/17/2012	<u>141</u>	Letter addressed to Judge Denise L. Cote from Daniel Floyd dated 10/17/2012 re: This letter will respond to the letters dated October 15, 2012 from the Department of Justice and the Plaintiff States setting forth their positions as to whether the bilateral agency agreements between Apple and the defendant book publishers established genuine agency relationships. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(rjm) (Entered: 10/18/2012)
10/18/2012	<u>142</u>	Letter addressed to Judge Denise L. Cote from Joel M. Mitnick dated 10/17/2012 re: I write on behalf of defendants Holtzbrinck Publishers, LLC d/b/a Macmillan ("Macmillan") and Verlagsgruppe Georg von Holtzbrinck GmbH ("VGvH") in response to the letters submitted on October 15, 2012 by the Department of Justice and the Plaintiff States. At a conference with all parties on October 9, 2012, Your Honor directed the Department of Justice and the Plaintiff States to provide the Court and Defendants with a clear statement as to whether they plan to challenge the bona fides of the agency distribution contracts between the Publisher Defendants and Apple for the distribution of each Publisher Defendant's trade eBooks in the United States. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(rjm) (Entered: 10/18/2012)
10/19/2012	<u>143</u>	ORDER. It is hereby ORDERED that all non-settling parties shall confer with respect to a deposition schedule that would permit the June 3 trial to proceed as scheduled. The parties shall provide a joint submission reflecting this proposed schedule to the Court no later than noon on October 25, 2012. IT IS FURTHER ORDERED that a teleconference will be held on October 26, 2012 at 11:00 a.m. (Telephone Conference set for 10/26/2012 at 11:00 AM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 10/19/2012) (rjm) (Entered: 10/19/2012)

		10/22/2012)
10/19/2012	<u>144</u>	ORDER. The three above-captioned actions are related. It is hereby ORDERED that the Clerk of Court shall assign In re: Amazon.com, 12 MC 351 (DLC), for all purposes to this Court's docket. (Signed by Judge Denise L. Cote on 10/19/2012) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(rjm) (Entered: 10/22/2012)
10/23/2012	<u>145</u>	NOTICE OF APPEARANCE by Lisa Heather Rubin on behalf of Apple, Inc. (Rubin, Lisa) (Entered: 10/23/2012)
10/23/2012	<u>146</u>	NOTICE OF APPEARANCE by Orin Snyder on behalf of Apple, Inc. (Snyder, Orin) (Entered: 10/23/2012)
10/24/2012	<u>147</u>	TRANSCRIPT of Proceedings re: conference held on 10/9/2012 before Judge Denise L. Cote. Court Reporter/Transcriber: Ann Hairston, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/19/2012. Redacted Transcript Deadline set for 11/29/2012. Release of Transcript Restriction set for 1/25/2013. Filed In Associated Cases: 1:11-md-02293-DLC et al.(McGuirk, Kelly) (Entered: 10/24/2012)
10/26/2012	<u>148</u>	Letter addressed to Judge Denise L. Cote from Michael E. Kipling dated 10/15/2012 re: Search terms Amazon has agreed to run with hits broken out by the five custodians. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(ad) (Entered: 11/01/2012)
10/26/2012	<u>149</u>	Letter addressed to Judge Denise L. Cote from Andrew J. Frackman dated 10/15/2012 re: Position on the remaining issues arising from Defendants' 7/6 subpoena to Amazon, as further set forth in this document. Document filed by Apple, Inc..(ad) (Entered: 11/01/2012)
10/26/2012	<u>150</u>	Letter addressed to Judge Denise L. Cote from Michael E. Kipling dated 10/16/2012 re: In response to Apple's 10/15/12 letter to the Court. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(ad) (Entered: 11/01/2012)
10/26/2012	<u>151</u>	Letter addressed to Judge Denise L. Cote from Daniel F. McInnis dated 10/25/2012 re: Request for a premotion conference. Document filed by Penguin Group (USA), Inc. Filed In Associated Cases: 1:11-md-02293-DLC et al.(ad) (Entered: 11/01/2012)
10/26/2012	<u>152</u>	Letter addressed to Judge Denise L. Cote from Mark W. Ryan dated 10/17/2012 re: The United States request that the Court extend the cutoff for fact and expert discovery until 6/21/2013, and adjust all remaining dates accordingly. (ad) (Entered: 11/01/2012)
10/26/2012	<u>153</u>	Letter addressed to Judge Denise L. Cote from Daniel Floyd dated 10/18/2012 re: Apple opposes DOJ's request for an extension of the trial date from early June to 9/2013. Document filed by Apple, Inc.(ad) (Entered: 11/01/2012)
10/26/2012	<u>154</u>	Letter addressed to Judge Denise L. Cote from Orin Snyder dated 10/25/2012 re: Non-settling parties propose that class certification briefing be postponed until after the conclusion of the trial in this matter. (ad) (Entered: 11/01/2012)
11/14/2012	<u>155</u>	Redaction of (72 in 1:11-cv-06019-DLC, 49 in 1:11-cv-09567-DLC, 68 in 1:11-cv-09564-DLC, 110 in 1:11-cv-09016-DLC, 54 in 1:11-cv-09562-DLC, 68 in 1:11-cv-09566-DLC, 62 in 1:11-cv-09559-DLC, 61 in 1:11-cv-09565-DLC, 79 in 1:11-cv-05609-DLC, 95 in 1:11-cv-05707-DLC, 54 in 1:12-cv-06625-DLC, 96 in 1:11-cv-05576-DLC, 78 in 1:11-cv-05750-DLC, 67 in 1:11-cv-05976-DLC, 54 in 1:11-cv-08329-DLC, 70 in 1:11-cv-07507-DLC, 58 in 1:11-cv-09561-DLC, 65 in 1:11-cv-06079-DLC, 73 in 1:11-cv-09014-DLC, 40 in 1:12-cv-00476-DLC, 56 in 1:11-cv-08608-DLC, 67 in 1:11-cv-05898-DLC, 147 in 1:12-cv-02826-DLC, 61 in 1:11-cv-07534-DLC, 68 in 1:11-cv-05896-DLC, 256 in 1:11-md-02293-DLC, 60 in 1:11-cv-07323-DLC, 58 in 1:11-cv-09560-DLC, 95 in 1:11-cv-05621-DLC, 129 in 1:12-cv-03394-DLC,

		62 in 1:11-cv-09563-DLC) Transcript,, Filed In Associated Cases: 1:11-md-02293-DLC et al.(McGuirk, Kelly) (Entered: 11/14/2012)
11/14/2012	<u>156</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERNCE proceeding held on 10/9/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:11-md-02293-DLC et al.(McGuirk, Kelly) (Entered: 11/14/2012)
11/19/2012	<u>157</u>	ORDER. It is hereby ORDERED that a teleconference regarding the discovery dispute with Apple will be held on Monday, November 26 at 3:00 p.m. IT IS FURTHER ORDERED that a teleconference regarding the discovery dispute with Barnes & Noble, Inc. will be held on Monday, November 26 at 3:30 p.m. Counsel representing parties in any related litigation may also participate in the teleconferences. (Telephone Conference set for 11/26/2012 at 03:00 PM before Judge Denise L. Cote. Telephone Conference set for 11/26/2012 at 03:30 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 11/19/2012) (rjm) (Entered: 11/20/2012)
11/19/2012	<u>158</u>	JOINT STIPULATION AND ORDER REGARDING REVISED SCHEDULE FOR EXPERT DISCOVERY. The parties to this Joint Stipulation and Proposed Order, by and through their undersigned counsel, hereby stipulate: 1. The date for disclosure of expert identities and general subject matters shall be changed from November 16, 2012 to November 30, 2012; 2. The date for service of opening expert reports shall be changed from January 25, 2013 to February 8, 2013; 3. The date for service of rebuttal expert reports shall be changed from February 15, 2013 to March 1, 2013; and 4. The date for the close of expert discovery shall be changed from March 22, 2013 to March 29, 2013. (Expert Discovery due by 3/29/2013.) (Signed by Judge Denise L. Cote on 11/19/2012) (rjm) (Entered: 11/20/2012)
11/26/2012		Minute Entry for proceedings held before Judge Denise L. Cote with counsel for the Government and Apple defendant and with Barnes & Noble defendant. Telephone Conference held on 11/26/2012. (Court Reporter Rose Prater) (gr) (Entered: 11/27/2012)
11/30/2012	<u>159</u>	SUPPLEMENTAL STIPULATED PROTECTIVE ORDER RE: AMAZON DATA PRODUCTION... regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Denise L. Cote on 11/30/2012) Filed In Associated Cases: 1:11-md-02293-DLC et al.(rjm) (Entered: 11/30/2012)
12/13/2012	<u>160</u>	MOTION for Larry E. Tanenbaum to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8060983. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Penguin Group (USA), Inc.. (Attachments: # <u>1</u> Certificates of Good Standing, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(Tanenbaum, Larry) (Entered: 12/13/2012)
12/13/2012		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>160</u> MOTION for Larry E. Tanenbaum to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8060983. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bwa)</b> (Entered: 12/13/2012)
12/13/2012	<u>161</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>160</u> Motion for Larry E. Tanenbaum to Appear Pro Hac Vice.The motion of Larry E. Tanenbaum for admission to practice Pro Hac Vice in the above captioned matter is granted. (Signed by Judge Denise L. Cote on 12/13/2012) (ama) Modified on 12/17/2012 (ama). (Entered: 12/13/2012)
12/18/2012	<u>162</u>	NOTICE of Stipulation Concerning Entry of Proposed Final Judgment as to Penguin Defendants After Compliance with the APPA. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Proposed Final Judgment as to Penguin Defendants)(Fairchild, Stephen) (Entered: 12/18/2012)

12/18/2012	<u>163</u>	NOTICE of Competitive Impact Statement. Document filed by United States of America. (Fairchild, Stephen) (Entered: 12/18/2012)
12/19/2012	<u>164</u>	ORDER: Plaintiff the United States of America (the "Government")having filed today a (1) Stipulation concerning entry of a proposed final judgment as to defendants The Penguin Group, a division of Pearson PLC and Penguin Group (USA), Inc. ("Proposed Final Judgment") after compliance with the APPA; and (2) Competitive Impact Statement, it is hereby ORDERED that the Government shall submit by January 3, 2013 a proposed schedule to govern any motion with respect to the Proposed Final Judgment. (Signed by Judge Denise L. Cote on 12/19/2012) (ago) (Entered: 12/20/2012)
12/19/2012	<u>165</u>	JOINT STIPULATION AND ORDER REGARDING DATE FOR EXCHANGE OF TRIAL WITNESS LISTS: WHEREAS, Attachment A to the Revised Joint Initial Report, entered on July 6, 2012, currently sets a date of December 18, 2012 for the exchange of initial trial witness lists between the parties (Docket No. 111-1); WHEREAS, such date was mutually agreed to by the parties; NOW, THEREFORE, the parties to this Joint Stipulation and Proposed Order, by and through their undersigned counsel, hereby stipulate that the date for exchange of initial trial witness lists for the trial commencing June 3, 2013 shall be changed to February 15, 2013. For the avoidance of doubt, this stipulation does not pertain to the trial in the class litigation, In re Electronic Books Antitrust Litigation, 11-md-02293, or to any trial on damages in the States' action, State of Texas et al. v. Penguin Group (USA), Inc. et al., 12-cv-03394. (Signed by Judge Denise L. Cote on 12/19/12) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(ago) Modified on 12/26/2012 (ago). (Entered: 12/20/2012)
01/03/2013	<u>166</u>	NOTICE of Proposed Schedule for Penguin Tunney Act Review. Document filed by United States of America. (Fairchild, Stephen) (Entered: 01/03/2013)
01/07/2013	<u>167</u>	<b>FILING ERROR - DEFICIENT DOCKET ENTRY</b> - MOTION to File Amicus Brief. Document filed by Bob Kohn. (Attachments: # <u>1</u> Supplement Memorandum in Support, # <u>2</u> Exhibit Proposed Amicus Brief)(Brower, Steven) Modified on 1/8/2013 (Idi). (Entered: 01/07/2013)
01/07/2013	<u>168</u>	MEMO ENDORSEMENT granting <u>167</u> Motion to File Amicus Brief: Granted. (Signed by Judge Denise L. Cote on 1/7/2013) (lmb) (Entered: 01/08/2013)
01/07/2013	<u>169</u>	ORDER: On January 3, 2013, plaintiff the United States of America (the "Government") filed a proposed schedule to govern further proceedings with respect to the proposed final judgment as to defendants The Penguin Group, a division of Pearson PLC and Penguin Group (USA), Inc. ("Penguin Defendants"). It is hereby ORDERED that the Government shall file with the Court the public comments it receives and any response by April 5, 2013. IT IS FURTHER ORDERED that the Government shall file any motion with respect to a proposed final judgment as to Penguin Defendants by April 19, 2013. Any submissions in response to this motion by a party in the above-captioned action or any related litigation shall be filed by May 3, 2013. The Government shall file any reply by May 10, 2013., ( Motions due by 4/19/2013., Responses due by 5/3/2013., Replies due by 5/10/2013.) (Signed by Judge Denise L. Cote on 1/7/2013) (lmb) (Entered: 01/08/2013)
01/08/2013	<u>170</u>	ORDER: By letter dated January 7, 2013, class plaintiffs request the Court's assistance in enforcing a subpoena served by plaintiffs on non-party Baker & Taylor, Inc. ("Baker & Taylor") It is hereby ORDERED that a teleconference regarding the enforcement of the Baker & Taylor subpoena will be held on Thursday, January 17 at 3:30 p.m. IT IS FURTHER ORDERED that class plaintiffs and Baker & Taylor shall confer with each other in advance of the January 17 teleconference. Counsel representing parties in any related litigation may also participate in the teleconference., ( Telephone Conference set for 1/17/2013 at 03:30 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 1/8/2013) Filed In Associated Cases: 1:11-md-02293-DLC et al.(lmb) (Entered: 01/08/2013)
01/15/2013	<u>171</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Jeffrey B. Dubner dated 1/14/13 re: Counsel writes to request that the conference scheduled for

		January 17 be taken off the calendar. ENDORSEMENT: The conference is cancelled. (Signed by Judge Denise L. Cote on 1/14/2013) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(mro) (Entered: 01/15/2013)
01/23/2013	<u>172</u>	PROPOSED MOTION for Carolyn Estelle Hadgikosti Perez to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8166793. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by The Penguin Group. (Attachments: # <u>1</u> Supplement, # <u>2</u> Supplement, # <u>3</u> Text of Proposed Order, # <u>4</u> Supplement)(Perez, Carolyn) (Entered: 01/23/2013)
01/24/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>172</u> PROPOSED MOTION for Carolyn Estelle Hadgikosti Perez to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8166793. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bwa)</b> (Entered: 01/24/2013)
01/24/2013	<u>173</u>	ORDER FOR ADMISSION PRO HAC VICE: that Carolyn Estelle Hadgikosti Perez is admitted to practice Pro Hac Vice for all purposes as counsel for Defendant Penguin Group (USA), Inc., in the above-captioned case in the United States District Court for the Southern District of New York. Granted. Attorney Carolyn Hadgikosti Perez for Penguin Group (USA), Inc. admitted Pro Hac Vice. (Signed by Judge Denise L. Cote on 1/24/2013) (pl) Modified on 1/24/2013 (pl). (Entered: 01/24/2013)
02/08/2013	<u>174</u>	NOTICE of Stipulation Concerning Entry of Proposed Final Judgment as to Macmillan Defendants After Compliance with the APPA. Document filed by United States of America. (Attachments: # <u>1</u> Text of Proposed Order Proposed Final Judgment as to Macmillan Defendants)(Fairchild, Stephen) (Entered: 02/08/2013)
02/08/2013	<u>175</u>	NOTICE of Competitive Impact Statement. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit A --- Redline to Original Judgment, # <u>2</u> Exhibit B --- Redline to Proposed Penguin Final Judgment)(Fairchild, Stephen) (Entered: 02/08/2013)
02/08/2013	<u>176</u>	ORDER: It is hereby ordered that the Government shall submit by February 15, 2013 a proposed schedule to govern any motion with respect to the Proposed Final Judgment. So Ordered (Signed by Judge Denise L. Cote on 2/8/2013) (js) (Entered: 02/08/2013)
02/15/2013	<u>177</u>	NOTICE OF APPEARANCE by Jay L. Himes on behalf of Robert Cheatham Filed In Associated Cases: 1:11-md-02293-DLC et al.(Himes, Jay) (Entered: 02/15/2013)
02/15/2013	<u>178</u>	NOTICE OF CHANGE OF ADDRESS by Jay L. Himes on behalf of Robert Cheatham. New Address: Labaton Sucharow LLP, 140 Broadway, New York, New York, USA 10005, 212-907-0834. Filed In Associated Cases: 1:11-md-02293-DLC et al.(Himes, Jay) (Entered: 02/15/2013)
02/15/2013	<u>179</u>	ORDER GRANTING MOTION TO WITHDRAW ATTORNEY APPEARANCE: in case 1:11-cv-05576-DLC; granting (282) Motion to Withdraw as Attorney. BEFORE THE COURT is a Motion by Hollis Salzman, Kellie Lerner and Bernard Persky to withdraw their appearances as Counsel for Plaintiffs. The motion is GRANTED. Hollis Salzman, Kellie Lerner and Bernard Persky shall be removed as attorneys for Plaintiffs. I direct the clerk to terminate all ECF noticing for them in the above referenced action.(Signed by Judge Denise L. Cote on 2/15/2013) Filed In Associated Cases: 1:11-md-02293-DLC et al.(ama) (Entered: 02/15/2013)
02/19/2013	<u>180</u>	ORDER: that the Government shall file with the Court the public comments it receives and any response by May 30, 2013. IT IS FURTHER ORDERED that the Government shall file any motion with respect to a proposed final judgment as to Macmillan by June 13, 2013. Any submissions in response to this motion by a party in the above-captioned action or any related litigation shall be filed by June 27, 2013. The Government shall file any reply by July 8, 2013. (Motions due by 6/13/2013, Responses due by 6/27/2013, Replies due by 7/8/2013.) (Signed by

		Judge Denise L. Cote on 02/19/2013) (jcs) (Entered: 02/19/2013)
02/19/2013	<u>181</u>	ORDER: By letter dated February 13, 2013, class plaintiffs request the Court's assistance in settling a discovery dispute with respect to non-party Walter Isaacson ("Isaacson"). Having reviewed class plaintiffs' February 13 letter and the letter in response submitted by counsel for Isaacson on February 18, it is hereby ORDERED that a teleconference regarding the discovery dispute with Isaacson will be held on Friday, February 22 at 3:30p.m. Counsel representing parties in any related litigation may also participate in the teleconference. (Telephone Conference set for 2/22/2013 at 03:30 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 02/19/2013) Filed In Associated Cases: 1:11-md-02293-DLC et al.(jcs) (Entered: 02/19/2013)
02/20/2013	<u>182</u>	ORDER: By letter dated February 14, 2013, defendant Apple, Inc. ("Apple") requests the Court's assistance in settling a discovery dispute with respect to non-party Amazon. Having reviewed Apple's February 14 letter and Amazon's letter in response dated February 19, it is hereby ORDERED that a teleconference regarding the discovery dispute with Amazon will be held on Friday, February 22 at 4:00 p.m. Counsel representing parties in any related litigation may also participate in the teleconference. (Telephone Conference set for 2/22/2013 at 04:00 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 02/20/2013) (jcs) (Entered: 02/20/2013)
02/21/2013	<u>183</u>	ORDER: that the February 22 teleconferences are adjourned to February 26. The teleconference regarding the discovery dispute with Isaacson will be held on February 26 at 4:00 p.m. The teleconference regarding the discovery dispute with Amazon will be held on February 26 at 4:30 p.m. Counsel representing parties in any related litigation may also participate in these teleconferences. (Telephone Conference set for 2/26/2013 at 04:00 PM before Judge Denise L. Cote., Telephone Conference set for 2/26/2013 at 04:30 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 02/21/2013) (jcs) (Entered: 02/21/2013)
02/25/2013	<u>184</u>	ORDER: It is hereby ORDERED that Apple's February 14 redaction requests and Amazon's February 19 redaction requests are denied. Apple and Amazon will be given an opportunity at the 4:30 p.m. Conference to explain why any of their proposed redactions should be made. IT IS FURTHER ORDERED that the Court will also discuss at the 4:30 p.m. Conference (i) class plaintiffs' discovery dispute with Penguin, and (ii) Penguin's participation in the June 2013 trial. (Signed by Judge Denise L. Cote on 2/25/2013) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(lmb) (Entered: 02/25/2013)
02/26/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 2/26/2013. (Court Reporter Patricia Nilson) (gr) (Entered: 02/27/2013)
02/27/2013	<u>185</u>	Letter addressed to Judge Cote from Apple, Inc. (Richard Parker) dated 2/14/2013 re: Apple/Amazon Discovery Dispute. Document filed by Apple, Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(cr) (Entered: 02/27/2013)
02/27/2013	<u>186</u>	Letter addressed to Judge Cote from Amazon.com, Inc. (Michael Kipling) dated 2/19/2013 re: Apple/Amazon discovery dispute. Document filed by Amazon.Com, Inc. (Attachments: #(1) Exhibit Zapolsky Decl., #(2) Exhibit A, #(3) Exhibit B, #(4) Exhibit C) (cr) (Entered: 02/27/2013)
02/27/2013	<u>187</u>	ORDER: It is hereby ORDERED that defendant Apple's challenge to non-party Amazon's invocation of the attorney-client privilege is denied. IT IS FURTHER ORDERED that defendant Penguin's request not to participate in the June 2013 trial is denied. IT IS FURTHER ORDERED that Penguin shall provide its initial witness list by March 1, 2013. To the extent that Penguin wishes to file a motion (i) to assert its right not to defend against the lawsuit brought by plaintiff States at the June 2013 trial and/or (ii) to request to hear live direct testimony of two Penguin executives in exception to the Court's Individual Practices, that motion is due March 15, 2013. Opposition by plaintiff States and by any parties in related litigation is due March 29, 2013. Penguin's reply, if any, is due April 5, 2013. IT IS FURTHER ORDERED that at the time any reply is served, the moving party shall

		supply two courtesy copies of all motion papers to Chambers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York. ( Motions due by 3/15/2013., Responses due by 3/29/2013., Replies due by 4/5/2013.) (Signed by Judge Denise L. Cote on 2/27/2013) Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(lmb) (Entered: 02/27/2013)
03/04/2013	<u>188</u>	NOTICE OF APPEARANCE by Jonathan Henry Sherman on behalf of Barnes & Noble, Inc. (Sherman, Jonathan) (Entered: 03/04/2013)
03/08/2013	<u>189</u>	ORDER: By letter dated March 6, 2013, plaintiff the United States of America requests the Court's assistance in settling a discovery dispute with defendant Apple as to the deposition of Apple CEO, Tim Cook. It is hereby ORDERED that a teleconference regarding the deposition of Mr. Cook will be held on March 13, 2013 at 11:30 a.m. Counsel representing parties in any related litigation may also participate in this teleconference. Telephone Conference set for 3/13/2013 at 11:30 AM before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 3/7/2013) (ft) (Entered: 03/08/2013)
03/12/2013	<u>192</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Lawrence E. Buterman dated 3/6/2013 re: The United States is submitting with its letter documents designated by Apple Inc. as "Confidential" pursuant to the Stipulated Protective Order dated May 9, 2012. ENDORSEMENT: All are approved, with one exception, the material on...5408 shall not be redacted. (Signed by Judge Denise L. Cote on 3/12/2013) (lmb) (Entered: 03/12/2013)
03/12/2013		<b>***DELETED DOCUMENT as per Chambers instructions on 3/15/2013. Deleted document number 190 Letter. The document was incorrectly filed in this case. (tro)</b> (Entered: 03/15/2013)
03/12/2013		<b>***DELETED DOCUMENT as per instructions from Chambers on 3/15/2013. Deleted document number 191 Letter. The document was incorrectly filed in this case. (tro)</b> (Entered: 03/15/2013)
03/13/2013	<u>193</u>	NOTICE OF APPEARANCE by Howard E. Heiss on behalf of Apple, Inc. (Heiss, Howard) (Entered: 03/13/2013)
03/13/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 3/13/2013. (Court Reporter Patricia Nilson) (gr) (Entered: 03/13/2013)
03/13/2013	<u>194</u>	ORDER granting <u>172</u> Motion for Carolyn Estelle Hadgikosti Perez to Appear Pro Hac Vice (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 03/13/2013)
03/13/2013	<u>195</u>	ORDER that for the reasons set forth on the record at the teleconference held in this action on 3/13/2013, it is hereby ORDERED that the Government's application to depose Apple's CEO, Tim Cook, is granted. (Signed by Judge Denise L. Cote on 3/13/2013) (gr) (Entered: 03/13/2013)
03/15/2013	<u>196</u>	Letter addressed to Judge Cote from the United States (Lawrence E. Buterman) dated 3/6/2013 re: Tim Cook deposition. The United States respectfully requests that the Court compel Apple to produce for deposition its CDO, Tim Cook. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F) (cr) (Entered: 03/15/2013)
03/15/2013	<u>197</u>	Letter addressed to Judge Cote from Apple (Orin Snyder) dated 3/11/2013 re: Tim Cook deposition. On behalf of Apple, we respectfully oppose the government's motion to compel the deposition of Timothy Cook, Apple's CEO, and cross-move for a protective order pursuant to Fed. R. Civ. P. 26(c). Document filed by Apple, Inc. (Attachments: #(1) Exhibit A- Cook Declaration, #(2) Exhibit B, #(3) Exhibit C) (cr) (Entered: 03/15/2013)
03/15/2013	<u>198</u>	Letter addressed to Judge Cote from Apple (Orin Snyder) dated 3/13/2013 re: Tim Cook deposition. On behalf of Apple, we respectfully submit this letter to provide the Court with excerpts from the deposition of Eddie Cue, which was taken by the plaintiffs yesterday in Palo Alto. Document filed by Apple, Inc. (cr) (Entered: 03/15/2013)

		03/15/2013)
03/20/2013	199	SEALED DOCUMENT placed in vault.(mps) (Entered: 03/20/2013)
04/01/2013	<u>200</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Mark Ryan dated 3/29/2013 re: The United States asks that the Court excuse publication of the public comments in the Federal Register and, instead, allow comments to be posted on the Antitrust Division's website in conjunction with Federal Register publication of the internet address at which comments can be read and downloaded. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 3/29/2013) (lmb) (Entered: 04/01/2013)
04/05/2013	<u>201</u>	RESPONSE to <i>Public Comments on the Proposed Penguin Final Judgment</i> . Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Kohn Comment, # <u>2</u> Exhibit NACS Comment, # <u>3</u> Exhibit Steerads Comment)(Fairchild, Stephen) (Entered: 04/05/2013)
04/15/2013	<u>202</u>	NOTICE of CERTIFICATION OF DEFENDANTS HOLTZBRINCK PUBLISHERS, LLC D/B/A MACMILLAN AND VERLAGSGRUPPE GEORG VON HOLTZBRINCK GMBH PURSUANT TO 15 U.S.C. §16(g). Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH. (Mitnick, Joel) (Entered: 04/15/2013)
04/15/2013	<u>203</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Carrie A. Syme dated 4/4/2013 re: We write on behalf of the United States and Plaintiff States in the above-referenced matters to seek the Court's guidance regarding certain scheduling and logistical matters relating to the pre-trial filings due April 26, 2013. ENDORSEMENT: Any third party seeking redaction of either documents or deposition excerpts which the parties are offering as evidence in their direct cases at trial must make its application by 5/8/13. The expansion of page limits on memoranda is approved. The parties shall submit one paper and one electronic copy of exhibits., ( Motions due by 5/8/2013.) (Signed by Judge Denise L. Cote on 4/15/2013) (lmb) Modified on 4/17/2013 (lmb). Modified on 4/17/2013 (lmb). (Entered: 04/15/2013)
04/15/2013	<u>204</u>	NOTICE of Certification of Defendants Penguin Group (USA), Inc. and The Penguin Group Pursuant to 15 U.S.C. §16(g). Document filed by Penguin Group (USA), Inc., The Penguin Group. (McInnis, Daniel) (Entered: 04/15/2013)
04/15/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 4/15/2013. (Court Reporter Linda Fisher) (gr) (Entered: 04/16/2013)
04/17/2013	<u>205</u>	Letter addressed to Judge Cote from Orin Snyder dated 4/12/2013 re: the parties' April 26 trial submissions. Document filed by Apple, Inc..(gr) (Entered: 04/17/2013)
04/17/2013	<u>206</u>	Letter addressed to Judge Cote from Orin Snyder dated 4/13/2013 re: respectfully submit this letter to clarify a sentence in our letter to the Court dated 4/12/2013. Document filed by Apple, Inc.(gr) (Entered: 04/17/2013)
04/17/2013	<u>207</u>	Letter addressed to Judge Cote from Daniel F. McInnis dated 4/13/2013 re: we write in support of, and joining, Apple's letter to the Court, dated 4/12/13, regarding the potentially inappropriate use of inadmissible non-party materials by the plaintiffs. Document filed by Penguin Group (USA), Inc.(gr) (Entered: 04/17/2013)
04/17/2013	<u>208</u>	Letter addressed to Judge Cote from Lawrence E. Buterman dated 4/15/2013 re: We write in response to Penguin's April 13 letter. Document filed by United States of America.(gr) (Entered: 04/17/2013)
04/17/2013	<u>209</u>	Letter addressed to Judge Cote from Lawrence E. Buterman dated 4/15/2013 re: We write in response to Apple's April 12 letter. Document filed by United States of America.(gr) (Entered: 04/17/2013)
04/18/2013	<u>210</u>	MOTION for Entry of Judgment under Rule 54(b) and 15 U.S.C. § 16(b)-(h). Document filed by United States of America.(Fleming, Stephanie) (Entered: 04/18/2013)



04/18/2013	<u>211</u>	MEMORANDUM OF LAW in Support re: <u>210</u> MOTION for Entry of Judgment under Rule 54(b) and 15 U.S.C. § 16(b)-(h).. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit A – Proposed Penguin Final Judgment, # <u>2</u> Exhibit B – Certificate of Compliance)(Fleming, Stephanie) (Entered: 04/18/2013)
04/26/2013	<u>212</u>	JOINT STIPULATION ADJOURNING PRE-TRIAL DEADLINES CONCERNING DEFENDANTS HOLTZBRINCK PUBLISHERS, LLC D/B/A MACMILLAN AND VERLAGSGRUPPE GEORG VON HOLTZBRINCK GMBH: The parties to this Joint Stipulation, by and through the undersigned counsel, hereby stipulate and agree as follows: Macmillan and VGvH will not participate as defendants in the Trial. The Pre-Trial Deadlines and all other existing and future deadlines and requirements pertaining to the Trial shall not apply to Macmillan or to VGvH, and shall not apply to Plaintiffs insofar as they concern Macmillan or VGvH, unless otherwise ordered by the Court. In the event that this Court does not approve any of the settlements between the U.S. Department of Justice, the plaintiff States, Macmillan, and VGvH, the parties to any such disapproved settlement shall meet and confer within ten (10) days of the Order disapproving the settlement to devise a plan for trial or other resolution of their claims to present to this Court for its approval. This Joint Stipulation is without prejudice to any claims by Plaintiffs against Macmillan and VGvH, and any defenses thereto, in the event that the Court does not approve one or more of the settlements between those parties, in whole or in part. (Signed by Judge Denise L. Cote on 4/26/2013) (lmb) (Entered: 04/26/2013)
04/26/2013	<u>219</u>	ORDER: By letter dated April 25, 2013, plaintiffs in the above-captioned actions inform the Court that they have executed a settlement agreement as to defendants Holtzbrinck Publishers, LLC d/b/a/ Macmillan and Verlagsgruppe Georg Von Holtzbrinck GMBH (collectively, "Macmillan"). It is hereby ORDERED that plaintiffs shall file any motion for preliminary approval of a settlement as to Macmillan by May 24, 2013., ( Motions due by 5/24/2013.) (Signed by Judge Denise L. Cote on 4/26/2013) Filed In Associated Cases: 1:11-md-02293-DLC et al.(lmb) (Entered: 05/01/2013)
04/29/2013	<u>213</u>	ORDER: It is hereby ORDERED that, if the States wish to proceed on their Count IV state law claims, the States shall file by May 6, 2013 a supplemental brief providing, at minimum: (i) copies of any relevant state statutes in effect at the time of the alleged misconduct, (ii) citations to opinions, preferably from a state's highest court, describing the elements of the state law cause of action, and (iii) authority describing the extent to which any finding under Section 1 of the Sherman Act might affect those state law claims. IT IS FURTHER ORDERED that any responsive defendants' brief shall be filed by May 17, 2013., ( Brief due by 5/6/2013., Responses due by 5/17/2013.) (Signed by Judge Denise L. Cote on 4/29/2013) (lmb) (Entered: 04/29/2013)
04/29/2013	<u>214</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION to File Amicus Brief. Document filed by Bob Kohn. (Attachments: # <u>1</u> Supplement Memorandum in Support of Motion for Amicus, # <u>2</u> Exhibit Proposed Amicus Brief)(Brower, Steven) Modified on 4/30/2013 (db). (Entered: 04/29/2013)
04/30/2013		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Steven Brower to RE-FILE Document <u>214</u> MOTION to File Amicus Brief. ERROR(S): Supporting Documents are filed separately, each receiving their own document #.</b> (db) (Entered: 04/30/2013)
04/30/2013	<u>215</u>	AMENDED MOTION to File Amicus Brief ( <i>per docket #215</i> ). Document filed by Bob Kohn.(Brower, Steven) (Entered: 04/30/2013)
04/30/2013	<u>216</u>	MEMORANDUM OF LAW in Support re: <u>215</u> AMENDED MOTION to File Amicus Brief ( <i>per docket #215</i> ).. Document filed by Bob Kohn. (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief)(Brower, Steven) (Entered: 04/30/2013)
04/30/2013	<u>217</u>	Letter addressed to Judge Denise Cote from Bob Kohn dated 4/29/2013 re: I have filed today, through pro bono counsel, a Motion to File a proposed brief Amicus Curiae in response to the public comments filed by the Government in the above-referenced matter with respect to the proposed Final Judgment with the Penguin defendants...The Court's public interest determination in this matter is of

		great public concern and, since none of the parties will be opposing the settlement, qualified amicus should be allowed to address the Court.(mt) (Entered: 04/30/2013)
04/30/2013	<u>218</u>	MEMORANDUM OPINION & ORDER re: #103160 <u>215</u> AMENDED MOTION to File Amicus Brief ( <i>per docket #215</i> ). filed by Bob Kohn. Kohn's April 29, 2013 motion for leave to file an amicus curiae response is granted. Kohn's proposed response is accepted. (Signed by Judge Denise L. Cote on 4/30/2013) (mt) Modified on 5/2/2013 (jab). Modified on 5/13/2013 (mt). (Entered: 04/30/2013)
05/06/2013	<u>220</u>	NOTICE OF APPEARANCE by Orin Snyder on behalf of Apple, Inc., Apple Inc. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(Snyder, Orin) (Entered: 05/06/2013)
05/06/2013	<u>221</u>	NOTICE OF APPEARANCE by Lisa Heather Rubin on behalf of Apple, Inc., Apple Inc. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(Rubin, Lisa) (Entered: 05/06/2013)
05/06/2013	<u>222</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION for Cynthia E. Richman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8485125. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Apple, Inc., Apple Inc.. (Attachments: # <u>1</u> Declaration of Orin S. Snyder, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Text of Proposed Order)Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(Snyder, Orin) Modified on 5/7/2013 (bwa). (Entered: 05/06/2013)
05/07/2013		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>222</u> MOTION for Cynthia E. Richman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8485125. Motion and supporting papers to be reviewed by Clerk's Office staff.. Wrong case number associated with case. Re-file with correct case number written in pdf. (bwa)</b> (Entered: 05/07/2013)
05/07/2013	223	ORDER in case 1:11-cv-05576-DLC; granting (318) Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-md-02293-DLC; granting (180) Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:12-cv-03394-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-md-02293-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:12-cv-03394-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09204-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09350-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05576-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05609-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05621-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05707-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05750-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05896-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05898-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-05976-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-06019-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-06079-DLC; granting <input type="checkbox"/> Motion for Cynthia E.

		<p>Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-07507-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-07534-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-07323-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-08329-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-08608-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09016-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09014-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09559-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09560-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09561-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09562-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09563-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09564-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09565-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09566-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:11-cv-09567-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:12-cv-00476-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:12-cv-02826-DLC; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice; granting <input type="checkbox"/> Motion for Cynthia E. Richman to Appear Pro Hac Vice in case 1:12-cv-06625-DLC (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) Filed In Associated Cases: 1:11-md-02293-DLC et al.(Cote, Denise) (Entered: 05/07/2013)</p>
05/07/2013	<u>224</u>	<p>ORDER: On April 15, 2013, the Court ordered that third parties seeking redaction of either documents or deposition excerpts which the parties are offering as evidence in their direct cases at trial must make any application by May 8. By letters dated May 3 and May 6, respectively, non-parties Google Inc. and Amazon.com, Inc. request an extension of the May 8 deadline and clarification of the non-parties' obligations pursuant to the April 15 order. It is hereby ORDERED that a teleconference to discuss these issues will be held on May 8, 2013 at 3:30 p.m. IT IS FURTHER ORDERED that the May 8 deadline for redaction requests is extended sine die. IT IS FURTHER ORDERED that coordinating counsel for the parties shall notify any non-parties affected by this Order of the May 8 teleconference. Counsel representing parties in any related litigation may also participate in this teleconference., ( Telephone Conference set for 5/8/2013 at 03:30 PM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 5/7/2013) (lmb) (Entered: 05/07/2013)</p>
05/08/2013		<p>Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 5/8/2013. (Court Reporter Linda Fisher) (gr) (Entered: 05/09/2013)</p>
05/10/2013	<u>225</u>	<p>REPLY MEMORANDUM OF LAW in Support re: <u>210</u> MOTION for Entry of Judgment under Rule 54(b) and 15 U.S.C. § 16(b)-(h).. Document filed by United</p>

		States of America. (Fairchild, Stephen) Modified on 12/16/2013 (laq). (Entered: 05/10/2013)
05/10/2013	<u>226</u>	ENDORSED LETTER addressed to Judge Denise Cote from Orin Snyder dated 5/10/2013 re: We represent Apple. Earlier this week, in response to our request, Your Honor kindly agreed to move the final pre-trial conference in the above-captioned matters to Thursday, May 23, at 2:30p.m. if all parties consented. All parties have graciously consented to the new date and time. ENDORSEMENT: So Ordered. (Signed by Judge Denise L. Cote on 5/10/2013) (mt) (Entered: 05/10/2013)
05/10/2013		Set/Reset Hearings: Final Pretrial Conference set for 5/23/2013 at 02:30 PM before Judge Denise L. Cote. (mt) (Entered: 05/10/2013)
05/13/2013	<u>227</u>	Letter addressed to Judge Denise L. Cote from Orin Snyder dated 5/13/2013 re: Accordingly, Apple respectfully requests that the Court issue an order (1) directing all third parties that wish to redact portions of trial exhibits affecting the pre-trial submissions to submit to the Court such exhibits, in both clean copy and with proposed redactions highlighted in yellow, by a date specified by the Court, and (2) directing the litigating parties to submit redacted copies of their pre-trial submissions to the Court for public filing within twenty-four (24) hours of the Court's issuing an order redacting any third-party exhibit to the extent necessary to conform to the Court's order. Document filed by Apple, Inc..(rdz) Modified on 5/16/2013 (rdz). (Entered: 05/14/2013)
05/13/2013	<u>228</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Lawrence E. Buterman dated 5/13/2013 re: Because Apple's proposed Order would result in an unnecessary delay in making the pretrial papers public, the United States respectfully requests that Apple's proposed Order be denied. Instead, the United States requests permission to identify to the Court within the next 24 hours any excerpts from its pretrial papers on which third parties are requesting redactions, or alternatively to inform the Court that no redactions are necessary and that the pretrial papers are ready to be filed publicly. ENDORSEMENT: Approved. All parties to the June 3 trial shall follow this procedure. (Signed by Judge Denise L. Cote on 5/13/2013) (rdz) Modified on 5/16/2013 (rdz). (Entered: 05/14/2013)
05/13/2013	<u>229</u>	Letter addressed to Judge Denise L. Cote from Orin Snyder dated 5/13/2013 re: Instead, as my letter of earlier today states, Apple asks Your Honor only to order that where a third party's proposed redactions affect the public filing of the pre-trial submissions themselves, that party submit the relevant exhibits containing the purportedly confidential information to the Court. Document filed by Apple, Inc..(man) (Entered: 05/14/2013)
05/14/2013	<u>230</u>	ENDORSED LETTER addressed to Judge Cote from Lawrence E. Buterman dated 5/14/2013 re: Consistent with our May 13 letter to the Court, after conferring with Defendants and all third parties whose documents or data are referenced in Plaintiffs' pretrial papers, Plaintiffs have been informed that there are no confidentiality issues with respect to the following documents. Accordingly, Plaintiffs are prepared to immediately file the aforementioned documents on ECF, and respectfully request permission from the Court to do so. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 5/14/2013) (gr) (Entered: 05/14/2013)
05/14/2013	<u>231</u>	JOINT PRELIMINARY TRIAL REPORT. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>232</u>	PRETRIAL MEMORANDUM. Document filed by United States of America.(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>233</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. Document filed by United States of America. (Attachments: # <u>1</u> Plaintiffs' Proposed Findings of Fact, # <u>2</u> Plaintiffs' Proposed Conclusions of Law)(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>234</u>	MOTION in Limine to Preclude Dr. Kevin Murphy from Offering at Trial Testimony on His Opinions #1-#3. Document filed by United States of

		America.(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>235</u>	MOTION in Limine to Preclude Dr. Michelle Burtis from Offering at Trial Any Opinion on Competitive Effects. Document filed by United States of America.(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>236</u>	OPPOSITION BRIEF Plaintiffs' Response to Apple's Pretrial Memorandum of Law. Document filed by United States of America.(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>237</u>	OPPOSITION BRIEF Plaintiffs' Opposition to Defendants' Motion in Limine to Exclude Certain Anticipated Testimony Regarding the "Appropriateness" of Communications. Document filed by United States of America.(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>238</u>	OPPOSITION BRIEF United States' Opposition to Apple Inc.'s Motion in Limine to Exclude Certain Expert Testimony of Professor Richard Gilbert. Document filed by United States of America.(Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>239</u>	REPLY to Response to Motion re: <u>234</u> MOTION in Limine to Preclude Dr. Kevin Murphy from Offering at Trial Testimony on His Opinions #1-#3.. Document filed by United States of America. (Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>240</u>	REPLY to Response to Motion re: <u>235</u> MOTION in Limine to Preclude Dr. Michelle Burtis from Offering at Trial Any Opinion on Competitive Effects.. Document filed by United States of America. (Fairchild, Stephen) (Entered: 05/14/2013)
05/14/2013	<u>241</u>	ENDORSED LETTER addressed to Judge Cote from Howard E. Heiss dated 5/14/2013 re: We write on behalf of Apple. We request permission to file the nine documents listed, which are unaffected by Amazon's redactions, and await the Court's direction with respect to the filing of Apple's Proposed Findings of Fact and Pre-trial Memorandum. ENDORSEMENT: Apple may file the pre-trial papers as to which there have been no redaction requests. It may file the 2 documents as to which there are redaction requests in redacted form. The Court shall promptly review the requests. (Signed by Judge Denise L. Cote on 5/14/2013) (gr) (Entered: 05/14/2013)
05/14/2013	<u>242</u>	PRETRIAL MEMORANDUM. Document filed by Apple, Inc..(Snyder, Orin) (Entered: 05/14/2013)
05/14/2013	<u>243</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. Document filed by Apple, Inc..(Snyder, Orin) (Entered: 05/14/2013)
05/14/2013	<u>244</u>	MEMORANDUM OF LAW in Opposition re: <u>232</u> Pretrial Memorandum / APPLE INC.'S OPPOSITION TO PLAINTIFFS' PRE-TRIAL MEMORANDUM OF LAW. Document filed by Apple, Inc.. (Snyder, Orin) (Entered: 05/14/2013)
05/14/2013	<u>245</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. Document filed by Apple, Inc..(Snyder, Orin) (Entered: 05/14/2013)
05/14/2013	<u>246</u>	MOTION in Limine / APPLE INC.'S MOTION IN LIMINE TO EXCLUDE CERTAIN EXPERT TESTIMONY OF PROFESSOR RICHARD GILBERT. Document filed by Apple, Inc..(Snyder, Orin) (Entered: 05/14/2013)
05/14/2013	<u>247</u>	MEMORANDUM OF LAW in Opposition re: <u>235</u> MOTION in Limine to Preclude Dr. Michelle Burtis from Offering at Trial Any Opinion on Competitive Effects.. Document filed by Apple, Inc.. (Snyder, Orin) (Entered: 05/14/2013)
05/14/2013	<u>248</u>	MEMORANDUM OF LAW in Opposition re: <u>234</u> MOTION in Limine to Preclude Dr. Kevin Murphy from Offering at Trial Testimony on His Opinions #1-#3.. Document filed by Apple, Inc.. (Snyder, Orin) (Entered: 05/14/2013)
05/14/2013	<u>249</u>	REPLY MEMORANDUM OF LAW in Support re: <u>246</u> MOTION in Limine / APPLE INC.'S MOTION IN LIMINE TO EXCLUDE CERTAIN EXPERT TESTIMONY OF PROFESSOR RICHARD GILBERT.. Document filed by Apple, Inc.. (Snyder, Orin) (Entered: 05/14/2013)

05/15/2013	<u>250</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 5/8/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Linda Fisher, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/10/2013. Redacted Transcript Deadline set for 6/20/2013. Release of Transcript Restriction set for 8/16/2013.(Rodriguez, Somari) (Entered: 05/15/2013)
05/15/2013	<u>251</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/8/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 05/15/2013)
05/15/2013	<u>252</u>	ORDER. By letters dated May 15, 2013, non-party Amazon seeks to redact portions of parties' pretrial filings. It is hereby ORDERED that a teleconference will be held on May 16, 2013 at 11 a.m. ( Telephone Conference set for 5/16/2013 at 11:00 AM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 5/15/2013) (gr) (Entered: 05/15/2013)
05/16/2013	<u>253</u>	PRETRIAL MEMORANDUM. Document filed by Apple, Inc..(Snyder, Orin) (Entered: 05/16/2013)
05/16/2013	<u>254</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. Document filed by Apple, Inc..(Snyder, Orin) (Entered: 05/16/2013)
05/16/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 5/16/2013. (Court Reporter Michael McDaniel) (gr) (Entered: 05/21/2013)
05/17/2013	<u>255</u>	Letter addressed to Judge Cote from Howard E. Heiss dated 5/15/2013 re: Amazon seeks to shield from public disclosure evidence that undermines Plaintiffs' case and Amazon's three supporting declarations. But Amazon does not come close to meeting the legal standards for sealing at trial. Apple respectfully submits that the Court should grant public access to this information by denying Amazon's extensive and disruptive redaction requests. Document filed by Apple, Inc., Apple Inc.(gr) (Entered: 05/17/2013)
05/17/2013	<u>256</u>	MANDATE of USCA (Certified Copy) as to <u>137</u> Notice of Appeal, filed by Bob Kohn USCA Case Number 12-4017. Appellee United States of America moves to dismiss for lack of standing Appellants appeal from the district courts denial of his motion to intervene under Rule 24(b) of the Federal Rules of Civil Procedure. Upon due consideration, it is hereby ORDERED that the motion, construed as also requesting summary affirmance of the district courts judgment, is GRANTED. We may review a district court order denying permissive intervention as a final order. Ionian Shipping Co. v. British Law Ins. Co., 426 F.2d 186, 189 (2d Cir. 1970). However, assuming arguendo that Appellant hasstanding to appeal the denial of his motion to intervene, the district court did not abuse its discretion in denying permissive intervention as Appellant did not satisfy the requirements of Rule 24(b). See H.L. Hayden Co. of N.Y., Inc. v. Siemens Med. Sys., Inc., 797 F.2d 85, 89 (2d Cir. 1986) (stating thatpermissive intervention pursuant to Rule 24(b) is discretionary with the trial court). Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 5/17/2013. (tp) (Entered: 05/20/2013)
05/17/2013	<u>257</u>	ORDER granting <u>210</u> Motion for Entry of Judgment under Rule 54(b). There is no need for a hearing prior to making a determination on the Penguin Final Judgment. The September 5 Opinion comprehensively addresses the arguments raised by the Penguin Comments and Kohn's amicus curiae filing in opposition to the Penguin Final Judgment. The Court thus adopts by reference the reasoning of the September 5 Opinion and its relevant holdings, and finds that entry of final judgment as to Penguin is in the public interest. Accordingly, it is hereby ORDERED that the Government's April 18, 2013 motion for entry of the proposed Penguin Final Judgment is granted. (Signed by Judge Denise L. Cote on 5/17/2013) (lmb) (Entered: 05/20/2013)

05/17/2013		Transmission to Judgments and Orders Clerk. Transmitted re: <u>257</u> Order on Motion for Entry of Judgment under Rule 54(b), to the Judgments and Orders Clerk. (lmb) (Entered: 05/20/2013)
05/17/2013	<u>258</u>	Letter addressed to Judge Denise L. Cote from Bob Kohn dated 5/10/2013 re: By letter dated April 30, 2013, I respectfully requested that the Court hold a hearing on the Plaintiff's Motion for Entry of Final Judgment regarding the Penguin Settlement and that the Court permit me to participate in oral argument at such hearing. ECF #217. In its reply earlier today (ECF #225), the Government made no objection to my request for such a hearing. In addition, given the nature of the Government's response, I respectfully reiterate such request (and apologize for the redundancy, as I have not yet seen an order granting or denying the request). Document filed by Bob Kohn.(lmb) (Entered: 05/20/2013)
05/17/2013	<u>259</u>	FINAL JUDGMENT AS TO DEFENDANTS THE PENGUIN GROUP, A DIVISION OF PEARSON PLC, AND PENGUIN GROUP(USA), INC. in favor of United States of America against Penguin Group (USA), Inc., and The Penguin Group. (Signed by Judge Denise L. Cote on 5/17/13) (Attachments: # <u>1</u> Notice of Right to Appeal)(ml) (Entered: 05/20/2013)
05/20/2013		Transmission of USCA Mandate/Order to the District Judge re: <u>256</u> USCA Mandate. (tp) (Entered: 05/20/2013)
05/22/2013	<u>260</u>	ENDORSED LETTER addressed to Judge Cote from Mark Ryan, Counsel for the United States dated 5/22/2013 re: The United States asks that the Court excuse costly Federal Register publication of the single public comments submitted concerning the proposed Final Judgment as to Defendants Verlagsgruppe Georg von Holtzbrinck GmbH and Holtzbrinck Publishers, LLC d/b/a Macmillan (collectively, "Macmillan"), filed with the Court on February 8, 2013 (Docket No.174-1). The United States again proposes to publish the public comment it received on the Antitrust Division's website, in tandem with Federal Register publication of the internet address at which the public can read and download the comment. The United States conferred with counsel for Apple and Macmillan and neither opposes this motion. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 5/22/2013) (gr) (Entered: 05/22/2013)
05/23/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Final Pretrial Conference held on 5/23/2013. (Court Reporters: Joanne Mancari, Andrew Walker, Steve Griffing) (gr) (Entered: 05/24/2013)
05/24/2013	<u>261</u>	RESPONSE to <i>Public Comments on the Proposed Macmillan Final Judgment</i> . Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Kohn Comment)(Fairchild, Stephen) (Entered: 05/24/2013)
05/24/2013	<u>262</u>	ORDER denying <u>246</u> Motion in Limine; granting in part and denying in part <u>234</u> Motion in Limine; granting <u>235</u> Motion in Limine. IT IS FURTHER ORDERED that each side shall have 29 hours to present its case at trial, excluding summation. Summations shall occur on Thursday, June 20, 2013.. (Signed by Judge Denise L. Cote on 5/24/2013) (gr) (Entered: 05/24/2013)
05/31/2013	<u>263</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 5/16/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Michael McDaniel, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/24/2013. Redacted Transcript Deadline set for 7/8/2013. Release of Transcript Restriction set for 9/3/2013.(Rodriguez, Somari) (Entered: 05/31/2013)
05/31/2013	<u>264</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/16/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 05/31/2013)

05/31/2013	<u>265</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 5/23/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Joanne Mancari, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/24/2013. Redacted Transcript Deadline set for 7/8/2013. Release of Transcript Restriction set for 9/3/2013.(Rodriguez, Somari) (Entered: 05/31/2013)
05/31/2013	<u>266</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/23/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 05/31/2013)
05/31/2013	<u>267</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 5/8/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Linda Fisher, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/24/2013. Redacted Transcript Deadline set for 7/8/2013. Release of Transcript Restriction set for 9/3/2013.(Rodriguez, Somari) (Entered: 05/31/2013)
05/31/2013	<u>268</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/8/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 05/31/2013)
05/31/2013	<u>269</u>	MOTION for Reconsideration re: <u>262</u> Order on Motion in Limine,,,, <i>Apple Inc.'s Notice of Motion for Reconsideration of the Court's Rulings Excluding Portions of Dr. Murphy's and Dr. Burtis's Expert Testimony</i> . Document filed by Apple, Inc..(Snyder, Orin) (Entered: 05/31/2013)
05/31/2013	<u>270</u>	MEMORANDUM OF LAW in Support re: <u>269</u> MOTION for Reconsideration re; <u>262</u> Order on Motion in Limine,,,, <i>Apple Inc.'s Notice of Motion for Reconsideration of the Court's Rulings Excluding Portions of Dr. Murphy's and Dr. Burtis's Expert Testimony</i> . MOTION for Reconsideration re; <u>262</u> Order on Motion in Limine,,,, <i>Apple Inc.'s Notice of Motion for Reconsideration of the Court's Rulings Excluding Portions of Dr. Murphy's and Dr. Burtis's Expert Testimony</i> .. Document filed by Apple, Inc.. (Snyder, Orin) (Entered: 05/31/2013)
06/01/2013	<u>271</u>	MEMORANDUM OF LAW in Opposition re: <u>269</u> MOTION for Reconsideration re; <u>262</u> Order on Motion in Limine,,,, <i>Apple Inc.'s Notice of Motion for Reconsideration of the Court's Rulings Excluding Portions of Dr. Murphy's and Dr. Burtis's Expert Testimony</i> . MOTION for Reconsideration re; <u>262</u> Order on Motion in Limine,,,, <i>Apple Inc.'s Notice of Motion for Reconsideration of the Court's Rulings Excluding Portions of Dr. Murphy's and Dr. Burtis's Expert Testimony</i> .. Document filed by United States of America. (Fairchild, Stephen) (Entered: 06/01/2013)
06/03/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial begun on 6/3/2013. (Court Reporters Rose Prater and Karen Gorlanski) (gr) (Entered: 06/04/2013)
06/04/2013	<u>272</u>	ORDER that the transcript of the proceeding held on June 24, 2013 shall be unsealed and docketed. (Signed by Judge Denise L. Cote on 6/4/2013) (gr) (Entered: 06/04/2013)
06/04/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/4/2013. (Court Reporters Karen Golansky and Rose Prater) (gr) (Entered: 06/05/2013)



06/04/2013	<u>274</u>	STIPULATION AND ORDER: IT IS HEREY STIPULATED AND AGREED, by and between the undersigned attorneys for the United States, the Plaintiff States, and Apple Inc. that no party has raised any objections concerning the admissibility of any of the documents marked for identification with the numbers identified below and that each of the exhibits may, with the Court's permission, be admitted into evidence as further set forth in this order. (Signed by Judge Denise L. Cote on 6/4/2013) (lmb) (Entered: 06/05/2013)
06/05/2013	<u>273</u>	STIPULATION that the following documents marked for identification with the numbers identified below, and to which Apple objected only under Fed.R.Evid. 901, may, with the Court's permission be admitted into evidence. (See Stipulation) (Signed by Judge Denise L. Cote on 6/5/2013) (gr) (Entered: 06/05/2013)
06/05/2013	<u>275</u>	Letter addressed to Judge Cote from Orrin Snyder dated 5/31/2013 re: We have reviewed the revised expert declaration of Dr. Baker that the Plaintiff States submitted to the Court yesterday. We write to provide the Court with our objections to certain portions of this revised testimony that fail to comply with the Court's ruling and continue to run counter to the holdings of other courts. Document filed by Apple, Inc.(gr) (Entered: 06/05/2013)
06/05/2013	<u>276</u>	Letter addressed to Judge Cote from Lawrence E. Buterman dated 5/31/2013 re: We have reviewed the revised expert affidavits of Dr. Michelle Burtis and Dr. Kevin Murphy that Apple submitted to the Court last evening, and write to provide the Court with our objections to certain portions of those affidavits that do not comport with this Court's rulings on Plaintiffs' motions in limine. Document filed by United States of America.(gr) (Entered: 06/05/2013)
06/05/2013	<u>277</u>	Letter addressed to Judge Cote from Orrin Snyder dated 5/31/2013 re: We submit this letter in response to Plaintiffs' continued efforts to exclude the testimony of Apple's experts, Drs. Kevin Murphy and Michelle Burtis. Document filed by Apple, Inc.(gr) (Entered: 06/05/2013)
06/05/2013	<u>278</u>	Letter addressed to Judge Cote from Orrin Snyder dated 5/31/2013 re: We respectfully write to request that Your Honor permit Eddy Cue, Apple's Senior Vice President of Internet Software and Services, to testify at the trial on June 13 so that he may attend Apple's 2013 Worldwide Developer Conference ("WWDC"). Document filed by Apple, Inc.(gr) (Entered: 06/05/2013)
06/05/2013	<u>279</u>	Letter addressed to Judge Cote from Lawrence E. Buterman dated 6/1/2013 re: We write in response to Apple's letter from May 31, regarding Mr. Cue's appearance at trial. Document filed by United States of America.(gr) (Entered: 06/05/2013)
06/05/2013	<u>280</u>	Letter addressed to Judge Cote from Mark W. Ryan dated 6/1/2013 re: We write to bring to the Court's attention two issues in advance of trial opening on Monday: (1) the admission into evidence of documents to which no party has objected; and (2) Apple's continuing Fed.R.Evid. 901 objections to a significant number of documents. Document filed by United States of America.(gr) (Entered: 06/05/2013)
06/05/2013	<u>281</u>	Letter addressed to Judge Cote from Orin Snyder dated 6/2/2013 re: We respectfully submit this letter in response to the letter from the Plaintiffs dated June 1, 2013 relating to the admission of documentary evidence. Document filed by Apple, Inc.(gr) (Entered: 06/05/2013)
06/05/2013	<u>282</u>	Letter addressed to Judge Cote from Orin Snyder dated 6/2/2013 re: We expect plaintiffs will seek to introduce into evidence a 2/23/2011 email from Mr. David Shanks, CEO of Penguin, Inc., to Mike Bryan of Penguin, which plaintiffs claimed in their pre-trial briefs is "direct evidence" that Apple participated in a conspiracy. Pl. Br. 26; Pl. Opp. Br. 8. Mr. Shanks is set to testify on the first few days of trial, and we write to object to admission of the email as inadmissible hearsay. Fed.R.Evid. 801(c). Document filed by Apple, Inc..(gr) (Entered: 06/05/2013)
06/05/2013	<u>283</u>	Letter addressed to Judge Cote from Mark W. Ryan dated 6/2/2013 re: We write in response to Defendant Apple Inc.'s June 2, 2013 letter contending that a 2/23/2011 e-mail from Penguin CEO David Shanks is inadmissible hearsay. Document filed by United States of America.(gr) (Entered: 06/05/2013)

06/05/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/5/2013. (Court Reporters Rose Prater and Karen Gorlansky) (gr) (Entered: 06/06/2013)
06/06/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/6/2013. (Court Reporters Rose Prater and Karen Gorlansky) (gr) (Entered: 06/07/2013)
06/10/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/10/2013. (Court Reporters Rose Praters and Karen Gorlansky) (gr) (Entered: 06/12/2013)
06/11/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/11/2013. (Court Reporters Rose Prater and Karen Gorlansky) (gr) (Entered: 06/12/2013)
06/12/2013	<u>284</u>	STIPULATION. The following documents marked for identification with the numbers identified in the Stipulation may, with the Court's permission be admitted into evidence. So Ordered. (Signed by Judge Denise L. Cote on 6/12/2013) (gr) (Entered: 06/12/2013)
06/12/2013	<u>285</u>	MOTION for Entry of Judgment under Rule 54(b) and 15 U.S.C. § 16(b)-(h). Document filed by United States of America.(Fairchild, Stephen) (Entered: 06/12/2013)
06/12/2013	<u>286</u>	MEMORANDUM OF LAW in Support re: <u>285</u> MOTION for Entry of Judgment under Rule 54(b) and 15 U.S.C. § 16(b)-(h).. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit A – Proposed Macmillan Final Judgment, # <u>2</u> Exhibit B – Certificate of Compliance)(Fairchild, Stephen) (Entered: 06/12/2013)
06/12/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/12/2013. (Court Reporter Rose Prater and Karen Gorlanski) (gr) (Entered: 06/13/2013)
06/13/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/13/2013. (Court Reporters Rose Prater and Karen Gorlansky) (gr) (Entered: 06/13/2013)
06/17/2013	287	SEALED DOCUMENT placed in vault.(mps) (Entered: 06/17/2013)
06/17/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/17/2013. (Court Reporter Rose Prater and Karen Gorlansky) (gr) (Entered: 06/18/2013)
06/18/2013	<u>288</u>	TRANSCRIPT of Proceedings re: TELEPHONE CONFERENCE held on 5/31/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Bridget Lombardozi, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/12/2013. Redacted Transcript Deadline set for 7/22/2013. Release of Transcript Restriction set for 9/19/2013.(McGuirk, Kelly) (Entered: 06/18/2013)
06/18/2013	<u>289</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TELEPHONE CONFERENCE proceeding held on 5/31/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 06/18/2013)
06/18/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/18/2013. (Court Reporters Elena Lynch and Karen Gorlansky) (gr) Modified on 6/19/2013 (gr). (Entered: 06/19/2013)
06/19/2013	<u>290</u>	Defendant's Exhibit List to be Admitted June 19, 2013. Document filed by Apple, Inc.(gr) (Entered: 06/19/2013)

06/19/2013	<u>291</u>	LETTER addressed to Judge Cote from Daniel G. Swanson dated 6/9/2013 re: We write to address the States' requested relief in this case. The Court has ruled that the current bench trial "would address issues of liability and injunctive relief" only, and "clarified on two occasions that there would be a separate trial to determine any damages amount." Document filed by Apple, Inc..(gr) (Entered: 06/19/2013)
06/19/2013	<u>292</u>	LETTER addressed to Judge Cote from Amanda C. Croushore dated 6/4/2013 re: We represent non-party Random House, Inc. in connection with the referenced action. With your Honor's permission, as directed in court this morning, we respectfully submit this letter to explain Random House's position regarding the confidentiality of one Random House document (RH-USOD-00017229) that the Government has informed us it intends to use as an exhibit at trial. (gr) (Entered: 06/19/2013)
06/19/2013	<u>293</u>	LETTER addressed to Judge Cote from Jonathan M. Jacobson dated 6/3/2013 re: We represent Google Inc., a non-party in these cases. Pursuant to the Court's direction this morning, the parties have advised Google of the trial exhibits containing highly confidential Google material that they plan actually to offer at trial. (gr) (Entered: 06/19/2013)
06/19/2013	<u>294</u>	LETTER addressed to Judge Cote from Michael E. Kipling dated 6/10/2013 re: Amazon respectfully requests that the Court redact from the public file portions of two exhibits that were prepared by Plaintiff's experts. (gr) (Entered: 06/19/2013)
06/19/2013	<u>295</u>	LETTER addressed to Judge Cote from Michael E. Kipling dated 6/16/2013 re: Amazon.com, Inc., has met and conferred extensively with counsel for Apple regarding certain charts and graphs based on Amazon's Highly Confidential data that Apple intends to submit through expert testimony this week at trial. (gr) (Entered: 06/19/2013)
06/19/2013	<u>296</u>	LETTER addressed to Judge Cote from Daniel G. Swanson dated 6/17/2013 re: During proceedings on June 10, 2013, the Court instructed the parties to confer as to whether the following underscored sentence of Dr. Burtis's revised testimony constitutes a new opinion, not previously disclosed. Document filed by Apple, Inc.(gr) (Entered: 06/19/2013)
06/19/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial held on 6/19/2013. (Court Reporter Rose Prater and Karen Gorlanski) (gr) (Entered: 06/20/2013)
06/20/2013	<u>297</u>	POST TRIAL MEMORANDUM. Document filed by United States of America.(Fairchild, Stephen) (Entered: 06/20/2013)
06/20/2013	<u>298</u>	POST TRIAL MEMORANDUM. Document filed by Apple, Inc.. (Attachments: # <u>1</u> Exhibit Apple's Post Trial Memorandum -- Part 1, # <u>2</u> Exhibit Apple's Post-Trial Memorandum -- Part 2, # <u>3</u> Exhibit Apple's Post-Trial Memorandum -- Part 3, # <u>4</u> Exhibit Apple's Post-Trial Memorandum -- Part 4, # <u>5</u> Exhibit Apple's Post-Trial Memorandum -- Part 5, # <u>6</u> Exhibit Apple's Post-Trial Memorandum -- Part 6, # <u>7</u> Exhibit Apple's Post-Trial Memorandum -- Part 7, # <u>8</u> Exhibit Apple's Post-Trial Memorandum -- Part 8)(Snyder, Orin) (Entered: 06/20/2013)
06/20/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Bench Trial completed on 6/20/2013. (Court Reporters Rose Prater and Karen Gorlanski) (gr) (Entered: 06/21/2013)
06/21/2013	<u>299</u>	MOTION for Settlement <i>for Preliminary Approval of Settlements</i> . Document filed by The State of Texas.Filed In Associated Cases: 1:11-md-02293-DLC et al.(Fisher, Rebecca) (Entered: 06/21/2013)
07/01/2013	<u>300</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/3/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)

07/01/2013	<u>301</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/3/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>302</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/4/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>303</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/4/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>304</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/5/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>305</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/5/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>306</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/6/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>307</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/6/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>308</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/10/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>309</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/10/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have

		seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>310</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/11/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>311</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/11/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>312</u>	TRANSCRIPT of Proceedings re: TRIAL CORRECTED held on 6/12/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>313</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL CORRECTED proceeding held on 6/12/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>314</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/12/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>315</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/12/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>316</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/13/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>317</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/13/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made

		remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>318</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/17/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>319</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/17/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>320</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/18/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>321</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/18/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>322</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/19/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>323</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/19/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>324</u>	TRANSCRIPT of Proceedings re: TRIAL held on 6/20/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2013. Redacted Transcript Deadline set for 8/5/2013. Release of Transcript Restriction set for 10/3/2013.(McGuirk, Kelly) (Entered: 07/01/2013)
07/01/2013	<u>325</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a TRIAL proceeding held on 6/20/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/01/2013)

07/10/2013	<u>326</u>	OPINION & ORDER: #103370 Based on the trial record, and for the reasons stated herein, this Court finds by a preponderance of the evidence that Apple conspired to restrain trade in violation of Section 1 of the Sherman Act and relevant state statutes to the extent those laws are congruent with Section 1. A scheduling order will follow regarding the Plaintiffs request for injunctive relief and damages. (Signed by Judge Denise L. Cote on 7/10/2013) (gr) Modified on 7/19/2013 (jab). (Entered: 07/10/2013)
07/10/2013	<u>327</u>	ORDER: the Plaintiffs shall serve a proposed injunction on Apple by July 19, 2013. The parties shall submit to the Court by August 2, 2013 any joint or separate submissions with respect to the proposed injunction. IT IS FURTHER ORDERED that a conference shall be held in these actions on August 9, 2013 at 3:30 p.m. In preparation for that conference, the parties shall submit to the Court by August 2, 2013 joint or separate proposals as to completion of discovery and a schedule for any trial on damages. IT IS FURTHER ORDERED that the parties are instructed to contact the chambers of Judge Wood promptly in order to pursue settlement discussions under her supervision. Pretrial Conference set for 8/9/2013 at 03:30 PM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 7/10/2013) (gr) (Entered: 07/10/2013)
07/11/2013	<u>328</u>	MANDATE of USCA (Certified Copy) USCA Case Number 13-1744. In light of the Petitioner's letter dated May 22, 2013, IT IS HEREBY ORDERED that the petition for writ of mandamus is deemed withdrawn. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 7/11/2013. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(nd) (Entered: 07/12/2013)
08/02/2013	<u>329</u>	BRIEF <i>In Support of Plaintiffs' Proposed Injunction</i> . Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Plaintiffs' Proposed Final Judgment, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Buterman, Lawrence) (Entered: 08/02/2013)
08/02/2013	<u>330</u>	<b>FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW</b> in Opposition re: <u>285</u> MOTION for Entry of Judgment under Rule 54(b) and 15 U.S.C. § 16(b)-(h). <i>APPLE INC.S MEMORANDUM OF LAW IN RESPONSE TO PLAINTIFF UNITED STATES PROPOSED FINAL JUDGMENT AND PLAINTIFF STATES PROPOSED ORDER ENTERING PERMANENT INJUNCTION</i> . Document filed by Apple, Inc.. (Snyder, Orin) Modified on 8/2/2013 (ka). (Entered: 08/02/2013)
08/02/2013	<u>331</u>	RESPONSE re: <u>329</u> Brief <i>APPLE INC.S MEMORANDUM OF LAW IN RESPONSE TO PLAINTIFF UNITED STATES PROPOSED FINAL JUDGMENT AND PLAINTIFF STATES PROPOSED ORDER ENTERING PERMANENT INJUNCTION</i> . Document filed by Apple, Inc.. (Snyder, Orin) (Entered: 08/02/2013)
08/05/2013	<u>332</u>	ORDER. IT IS HEREBY ORDERED that Apply shall submit a letter to the Court by August 8 at 10:00 a.m. identifying the evidence it believes was "improperly admitted, excluded, or disregarded." (Signed by Judge Denise L. Cote on 8/5/2013) (gr) (Entered: 08/05/2013)
08/07/2013	<u>333</u>	MEMORANDUM OF LAW in Opposition re: <u>329</u> Brief. Document filed by Hachette Book Group, Inc., HarperCollins Publishers L.L.C., Holtzbrinck Publishers, LLC, Penguin Group (USA), Inc., Simon & Schuster, Inc., Verlagsgruppe Georg Von Holtzbrinck GMBH. (Goldfein, Shepard) (Entered: 08/07/2013)
08/08/2013	<u>334</u>	ORDER: The 3:30 p.m. conference scheduled for August 9, 2013 is moved to 3 p.m. in Courtroom 15B. Pretrial Conference set for 8/9/2013 at 03:00 PM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 8/8/2013) (gr) (Entered: 08/08/2013)
08/08/2013	<u>335</u>	ENDORSED LETTER addressed to Judge Cote from Robert B. Bell dated 8/7/2013 re: We request your permission to file a very short amicus curiae brief in support of the U.S. Department of Justice's request for final relief in this case, on behalf of Kobo, Inc., an e-book retailer. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 8/8/2013) (gr) (Entered: 08/08/2013)

08/08/2013	<u>336</u>	MOTION to File Amicus Brief. Document filed by Consumer Federation of America.(Cavaleri, Damian) (Entered: 08/08/2013)
08/08/2013	<u>337</u>	BRIEF re: <u>336</u> MOTION to File Amicus Brief.. Document filed by Consumer Federation of America.(Cavaleri, Damian) (Entered: 08/08/2013)
08/08/2013	<u>338</u>	DEFENDANT APPLE INC'S SCHEDULING PROPOSAL dated August 2, 2013. (gr) (Entered: 08/08/2013)
08/08/2013	<u>339</u>	LETTER addressed to Judge Cote from Lawrence E. Buterman dated 8/5/2013 re: Plaintiff in the law enforcement action write to state their opposition to Apple's requesting a stay of injunctive relief in the United States' and Plaintiffs' recently tried action ("law enforcement action"). (gr) (Entered: 08/08/2013)
08/08/2013	<u>340</u>	LETTER addressed to Judge Cote from Orin Snyder dated 8/7/2013 re: On behalf of Apple, we write in response to the August 5, 2013 letter submitted by the Department of Justice opposing Apple's request for a stay of further proceedings. Document filed by Apple, Inc..(gr) (Entered: 08/08/2013)
08/08/2013	<u>341</u>	LETTER addressed to Judge Cote from Apple Inc. (Orin Snyder) dated 8/8/2013. Document filed by Apple, Inc. Apple respectfully submits its response to this Court's August 5, 2013 Order, and sets forth a list of examples, without prejudice to arguments it may raise on appeal, of evidence that was 'improperly admitted, excluded, or disregarded' before or at trial. (cr) (Entered: 08/08/2013)
08/08/2013	<u>342</u>	LETTER addressed to Judge Cote from United States of America (Lawrence Buterman) dated 8/8/2013 re: We write in response to the August 7, 2013 joint submission by the Publisher Defendants opposing Sections III.C and IV.A of Plaintiffs' Proposed Final Judgment. Document filed by United States of America. (cr) (Entered: 08/08/2013)
08/08/2013	<u>343</u>	Amicus Curiae APPEARANCE entered by Gregory J. Wallance on behalf of Kobo Inc. (Attachments: # <u>1</u> Certificate of Service)(Wallance, Gregory) (Entered: 08/08/2013)
08/08/2013	<u>344</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Rakuten, Inc. for Kobo Inc.. Document filed by Kobo Inc..(Wallance, Gregory) (Entered: 08/08/2013)
08/08/2013	<u>345</u>	MOTION for Leave to File An Amicus Curiae Brief In Support of Proposed Final Judgment. Document filed by Kobo Inc.. (Attachments: # <u>1</u> Certificate of Service)(Wallance, Gregory) (Entered: 08/08/2013)
08/08/2013	<u>346</u>	MEMORANDUM OF LAW in Support re: <u>345</u> MOTION for Leave to File An Amicus Curiae Brief In Support of Proposed Final Judgment.. Document filed by Kobo Inc.. (Attachments: # <u>1</u> Certificate of Service)(Wallance, Gregory) (Entered: 08/08/2013)
08/08/2013	<u>347</u>	MOTION for ROBERT BROOKS BELL to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8768952. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Kobo Inc.. (Attachments: # <u>1</u> Certificate of Good Standing - New York, # <u>2</u> Certificate of Good Standing - District of Columbia, # <u>3</u> Text of Proposed Order for Admission Pro Hac Vice, # <u>4</u> Certificate of Service)(Wallance, Gregory) (Entered: 08/08/2013)
08/08/2013	<u>348</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Robert B. Bell dated 8/8/2013 re: We believe that Kobo satisfies the relevant standards for independence of an amicus curiae. Random House and Kobo have different business interests, are taking different but not inconsistent positions with respect to the proposed relief, and are commenting on different sections of the proposed relief. We respectfully request that you reaffirm your ruling from earlier today permitting us to file an amicus brief on behalf of Kobo. ENDORSEMENT: With the understanding that both clients consent and that their positions are not inconsistent, this application is granted. (Signed by Judge Denise L. Cote on 8/8/2013) (djc) Modified on 8/9/2013 (djc). (Entered: 08/09/2013)
08/09/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>347</u> MOTION for ROBERT BROOKS BELL to Appear Pro</b>



		<b>Hac Vice. Filing fee \$ 200.00, receipt number 0208-8768952. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bwa)</b> (Entered: 08/09/2013)
08/09/2013	<u>349</u>	NOTICE OF APPEARANCE by Christine Louise Demana on behalf of Apple, Inc., Apple Inc.. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(Demana, Christine) (Entered: 08/09/2013)
08/09/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Conference held on 8/9/2013. (Court Reporter Denise Richards) (gr) (Entered: 08/12/2013)
08/09/2013	<u>350</u>	MEMO ENDORSEMENT on MOTION OF THE CONSUMER FEDERATION OF AMERICA FOR LIMITED PARTICIPATION AS AMICUS CURIAE: granting <u>336</u> Motion to File Amicus Brief. ENDORSEMENT: To be Filed. (Signed by Judge Denise L. Cote on 8/09/2013) (ama) Modified on 8/14/2013 (ama). (Entered: 08/12/2013)
08/12/2013	351	ORDER granting <u>347</u> Motion for Robert Brooks Bell to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 08/12/2013)
08/12/2013	<u>353</u>	ORDER: granting <u>285</u> Motion for Entry of Judgment under Rule 54(b). ORDERED that the Government's June 12, 2013 motion for entry of the proposed Macmillan Final Judgment is granted. (Signed by Judge Denise L. Cote on 8/12/2013) (dj) (Entered: 08/13/2013)
08/12/2013		Transmission to Judgments and Orders Clerk. Transmitted re: <u>353</u> Order on Motion for Entry of Judgment under Rule 54(b), to the Judgments and Orders Clerk. (dj) (Entered: 08/13/2013)
08/12/2013	<u>354</u>	FINAL JUDGMENT AS TO DEFENDANTS VERLAGSGRUPPE GEORG VON HOLTZBRINCK GMBH & HOLTZBRINCK PUBLISHERS, LLC D/B/A MACMILLAN in favor of United States of America against Holtzbrinck Publishers, LLC D/B/A Macmillan and Verlagsgruppe Georg Von Holtzbrinck GMBH; Court approval subject to procedures set forth in the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16. (Signed by Judge Denise L. Cote on 8/12/13) (Attachments: # <u>1</u> Notice of Right to Appeal)(ml) (Entered: 08/14/2013)
08/13/2013	<u>352</u>	ENDORSED LETTER addressed Judge Cote from Orin Snyder dated 8/12/2013 re: On behalf of all parties to the above-captioned cases, we respectfully submit this letter to request that the Court hold its next conference with respect to the injunction to be entered on August 27, 2013 at 2 p.m....The parties further propose that they submit letters concerning their respective positions on the scope of the injunction by August 23, 2013 at 10:00 a.m. ENDORSEMENT: Approved. ( Pretrial Conference set for 8/27/2013 at 02:00 PM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 8/13/2013) (gr) (Entered: 08/13/2013)
08/13/2013	<u>355</u>	SCHEDULING ORDER: Parties shall provide notice to each other by August 23,2013 of all remaining fact discovery they wish to conduct. Expert Discovery due by 12/13/2013. The following motions will be served by the dates indicatedbelow. Any motion for class certification: Motion served by October 11, 2013. Opposition served by November 15, 2013. Reply served by December 13, 2013. Any motion for summary judgment: Motion served by January 24, 2014. Opposition served by February 14, 2014. Reply served by February 28, 2014. Joint Pretrial Order due by 4/11/2014. The case is placed on the May 2014 trial ready calendar. (Signed by Judge Denise L. Cote on 8/13/2013)Filed In Associated Cases: 1:11-md-02293-DLC et al.(dj) (Entered: 08/14/2013)
08/22/2013	<u>356</u>	TRANSCRIPT of Proceedings re: ARGUMENT held on 8/9/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Denise Richards, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/16/2013. Redacted Transcript Deadline set for 9/26/2013. Release of Transcript Restriction set for 11/25/2013.(Rodriguez, Somari) (Entered: 08/22/2013)

		08/22/2013)
08/22/2013	<u>357</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 8/9/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 08/22/2013)
08/22/2013	<u>358</u>	MOTION for Theodore J. Boutrous, Jr. to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8809526. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Apple, Inc., Apple Inc.. (Attachments: # <u>1</u> Declaration of Orin Snyder, # <u>2</u> Exhibit 1, # <u>3</u> Text of Proposed Order)Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(Snyder, Orin) (Entered: 08/22/2013)
08/23/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. (358 in 1:12-cv-02826-DLC) MOTION for Theodore J. Boutrous, Jr. to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8809526. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC(wb)</b> (Entered: 08/23/2013)
08/23/2013	<u>359</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU –</b> BRIEF re: <u>329</u> Brief in Support of Plaintiffs' Revised Proposed Injunction. Document filed by United States of America. (Attachments: # <u>1</u> Declaration of Lawrence E. Buterman in Support of Plaintiffs' Revised Proposed Injunction)(Buterman, Lawrence) Modified on 8/23/2013 (ka). (Entered: 08/23/2013)
08/23/2013	<u>360</u>	<b>FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT –</b> BRIEF re: <u>331</u> Response Apple's Proposed Injunction and Letter in Support. Document filed by Apple, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Snyder, Orin) Modified on 8/23/2013 (ka). (Entered: 08/23/2013)
08/23/2013		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Lawrence Edward Buterman to RE-FILE Document <u>359</u> Brief. Use the event type Memorandum of Law in Support(non-motion) found under the event list Other Answers.***NOTE:Attachment#1 Declaration of Lawrence E. Buterman must be filed individually. Separate docket entry. (ka)</b> (Entered: 08/23/2013)
08/23/2013		<b>***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>360</u> HAS BEEN REJECTED. Note to Attorney Orin Snyder : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (ka)</b> (Entered: 08/23/2013)
08/23/2013	<u>361</u>	MEMORANDUM OF LAW in Support of Plaintiffs' Revised Proposed Injunction. Document filed by United States of America. (Buterman, Lawrence) (Entered: 08/23/2013)
08/23/2013	<u>362</u>	ORDER. To assist the Court's consideration of the proposals submitted by the parties, it is hereby ORDERED that Apply shall submit the following two documents by August 26, 2013 at 10:00 a.m.: 1) a red-lined version of the Plaintiffs' Revised Injunction striking any language to which Apple objects; and 2)in the event the Court adopts each of the plaintiffs' substantive requests, a second red-lined version of the Plaintiffs' Revised Injunction providing alternative language that Apple wishes the Court to consider when granting those requests. (Signed by Judge Denise L. Cote on 8/23/2013) (gr) (Entered: 08/23/2013)
08/23/2013	<u>363</u>	DECLARATION of Lawrence E. Buterman in Support re: <u>361</u> Memorandum of Law in Support. Document filed by United States of America. (Buterman, Lawrence) (Entered: 08/23/2013)

08/23/2013	<u>364</u>	ORDER granting <u>358</u> Motion for Theodore J. Boutrous, Jr. to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 08/23/2013)
08/26/2013	<u>365</u>	ENDORSED LETTER addressed to Judge Cote from Orin Snyder dated 8/23/2013 re: Apple writes to request that this Court order plaintiffs to withdraw the 12-page brief they filed this morning and instead "submit [a] letter concerning [their] positions on the scope of the injunction," as this Court ordered on August 13. ENDORSEMENT: Denied. (Signed by Judge Denise L. Cote on 8/26/2013) (gr) (Entered: 08/26/2013)
08/26/2013	<u>366</u>	LETTER addressed to Judge Cote from Lawrence E. Buterman dated 8/24/2013 re: We write in response to Apple's letter of August 23 regarding Plaintiffs' Memorandum of Law in Support of Plaintiffs' Revised Proposed Injunction. Document filed by United States of America.(gr) (Entered: 08/26/2013)
08/26/2013	<u>367</u>	LETTER addressed to Judge Cote from Orin Snyder dated 8/23/2013 re: Pursuant to this Court's August 12 order, Apple submits its position on the scope of the injunction. Document filed by Apple, Inc. (Attachments: # <u>1</u> Exhibit A. Proposed Form of Final Judgment and Proposed Form of Order Entering Permanent Injunction, # <u>2</u> Exhibit B. August 19, 2013 Letter from Orin Snyder to Lawrence Buterman)(gr) (Entered: 08/26/2013)
08/26/2013	<u>368</u>	LETTER addressed to Judge Cote from Orin Snyder dated 8/26/2013 re: Pursuant to this Court's August 23 order, Apple submits the following two documents to assist the Court in evaluating the parties' proposals concerning an injunction. Document filed by Apple, Inc.. (Attachments: # <u>1</u> Exhibit A. Injunction markup, # <u>2</u> Exhibit B. Injunction markup)(gr) (Entered: 08/26/2013)
08/26/2013	<u>369</u>	NOTICE OF APPEARANCE by Jeffrey Leonard White on behalf of Simon & Schuster, Inc.. (White, Jeffrey) (Entered: 08/26/2013)
08/27/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Pretrial Conference held on 8/27/2013. (Court Reporter Karen Gorlanski) (gr) (Entered: 08/28/2013)
08/29/2013	<u>370</u>	NOTICE OF APPEARANCE by Theodore J. Boutrous, Jr on behalf of Apple, Inc., Apple Inc.. Filed In Associated Cases: 1:11-md-02293-DLC, 1:12-cv-02826-DLC, 1:12-cv-03394-DLC(Boutrous, Theodore) (Entered: 08/29/2013)
09/05/2013	<u>371</u>	TRANSCRIPT of Proceedings re: ARGUMENT held on 8/27/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2013. Redacted Transcript Deadline set for 10/10/2013. Release of Transcript Restriction set for 12/9/2013.(Rodriguez, Somari) (Entered: 09/05/2013)
09/05/2013	<u>372</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 8/27/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 09/05/2013)
09/05/2013	<u>373</u>	LETTER addressed to Judge Denise L. Cote from Lawrence E. Buterman dated September 5, 2013 re: Revised Proposed Injunction. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit A: Revised Proposed Injunction, # <u>2</u> Exhibit B: Comparison to Aug. 23 Proposed Injunction)(Fleming, Stephanie) (Entered: 09/05/2013)
09/05/2013	<u>374</u>	PLAINTIFF UNITED STATES FINAL JUDGMENT AND PLAINTIFF STATES ORDER ENTERING PERMANENT INJUNCTION: This Final Judgment applies to Apple and each of its affiliates, subsidiaries, officers, directors, agents, employees, successors, and assigns, to any successor to any substantial part of the business, and to all other Persons acting in concert with Apple and having actual

		notice of this Final Judgment. On or before the Effective Date of this Final Judgment, Apple shall either modify any Agency Agreement with a Publisher Defendant to comply with Section III.C of this Final Judgment or terminate any Agency Agreement with a Publisher Defendant that does not comply with Section III. C of this Final Judgment. To ensure its compliance with this Final Judgment and the antitrust laws, Apple shall perform the activities enumerated below in Sections V.A through V.J of this Final Judgment. Within thirty days after the Effective Date of this Final Judgment, Apple's Audit Committee, or another committee comprised entirely of outside directors (i.e., directors not also employed by Apple), shall designate a person not employed by Apple as of the Effective Date of the Final Judgment to serve as Antitrust Compliance Officer, who shall report to the Audit Committee or equivalent committee of Apple's Board of Directors and shall be responsible, on a full-time basis until the expiration of this Final Judgment, for supervising Apple's antitrust compliance efforts and performance of the following. This Final Judgment shall take effect 30 days after the date on which it is entered. If the Final Judgment is stayed, all time periods in the Final Judgment will be tolled during the stay. All other provisions as further set forth in this order (Signed by Judge Denise L. Cote on 9/5/2013) (js) Modified on 9/6/2013 (js). (Entered: 09/06/2013)
09/05/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 9/5/2013. (Court Reporter Pam Utter) (gr) (Entered: 09/06/2013)
09/16/2013	<u>375</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 9/5/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/10/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/19/2013.(Rodriguez, Somari) (Entered: 09/16/2013)
09/16/2013	<u>376</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 9/5/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 09/16/2013)
09/20/2013	<u>377</u>	ORDER. Defendant Apple presented three e-reader devices to the Court as exhibits in connection with the parties' pre-trial filings of April 26, 2013. The Court having entered final judgment as to Apple on September 5, it is hereby ORDERED that Apple shall retrieve the e-reader exhibits from the Court by September 27, 2013. (Signed by Judge Denise L. Cote on 9/19/2013) (gr) (Entered: 09/20/2013)
09/27/2013	<u>378</u>	ORDER. On September 26, 2013, the Department of Justice (DOJ) contacted the Court via telephone to seek guidance, on behalf of itself and Plaintiff States, as to the form of its submission recommending one or more persons to serve as External Compliance Monitor (Monitor), pursuant to Section VI of the September 5 Order Entering Permanent Injunction. It is hereby ordered: To the extent that DOJ and Plaintiff States are jointly recommending more than one person to serve as Monitor, the submission shall be made in camera. Any objection to said persons by Apple shall be made in camera. Notwithstanding the in camera nature of the submissions, the parties shall make timely service of all filings on each other. (Signed by Judge Denise L. Cote on 9/27/2013) (gr) (Entered: 09/27/2013)
10/02/2013		<b>***DELETED DOCUMENT. Deleted document number <u>379</u> Tranist Check Distribution. The document was incorrectly filed in this case. (ad)</b> (Entered: 10/02/2013)
10/03/2013	<u>379</u>	NOTICE OF APPEAL from <u>326</u> Memorandum & Opinion, <u>374</u> Order,,,,,,. Document filed by Apple, Inc.. Filing fee \$ 455.00, receipt number 0208-8937011. Form C and Form D are due within 14 days to the Court of Appeals, Second

		Circuit. (Snyder, Orin) (Entered: 10/03/2013)
10/04/2013		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>379</u> Notice of Appeal. (tp) (Entered: 10/04/2013)
10/04/2013		<p>Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>45</u> Order on Motion to Appear Pro Hac Vice, <u>115</u> Memorandum of Law in Support of Motion filed by Bob Kohn, <u>107</u> Order on Motion to Withdraw as Attorney, <u>55</u> Notice of Appearance filed by United States of America, <u>95</u> MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. <b>Motion and supporting papers to be reviewed by Clerk's Office staff</b> filed by Bob Kohn, <u>118</u> Order, Set Hearings, <u>125</u> Endorsed Letter, <u>67</u> Letter, <u>96</u> MOTION to File Amicus Brief filed by Bob Kohn, <u>43</u> Protective Order, <u>24</u> Notice of Appearance filed by Hachette Book Group, Inc., <u>129</u> Endorsed Letter, <u>4</u> Notice (Other), Notice (Other) filed by United States of America, <u>116</u> MOTION to Stay re: <u>113</u> Memorandum &amp; Opinion, Pending Appeal filed by Bob Kohn, <u>51</u> Notice of Appearance filed by Holtzbrinck Publishers, LLC, <u>119</u> Judgment, <u>70</u> Letter, filed by United States of America, <u>97</u> Memorandum of Law in Support of Motion filed by Bob Kohn, <u>85</u> MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes &amp; Noble, Inc., <u>76</u> Status Report filed by United States of America, <u>13</u> Notice of Appearance filed by HarperCollins Publishers L.L.C., <u>113</u> Memorandum &amp; Opinion, <u>25</u> Rule 7.1 Corporate Disclosure Statement, filed by Hachette Book Group, Inc., <u>12</u> Notice of Appearance filed by HarperCollins Publishers L.L.C., <u>29</u> Notice of Appearance filed by Apple, Inc., <u>15</u> Rule 7.1 Corporate Disclosure Statement filed by HarperCollins Publishers L.L.C., <u>106</u> Declaration in Support of Motion filed by United States of America, <u>20</u> Notice of Appearance filed by Simon &amp; Schuster, Inc., <u>19</u> Notice (Other), Notice (Other) filed by Simon &amp; Schuster, Inc., <u>10</u> Rule 7.1 Corporate Disclosure Statement filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, <u>132</u> Reply Memorandum of Law in Support of Motion filed by Bob Kohn, <u>62</u> Notice of Appearance filed by United States of America, <u>40</u> Order on Motion to Appear Pro Hac Vice, <u>82</u> Order on Motion to Appear Pro Hac Vice, <u>123</u> Endorsed Letter, <u>121</u> Order, Set Motion and RRDeadlines/Hearings, <u>8</u> Letter, filed by United States of America, <u>42</u> MOTION for Daniel S. 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(tp) (Entered: 10/04/2013)</p>
10/04/2013	<u>380</u>	NOTICE OF APPEAL from <u>374</u> Order,,,,,,. Document filed by Simon & Schuster, Inc.. Filing fee \$ 455.00, receipt number 0208-8939560. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Quinn, James) (Entered: 10/04/2013)
10/04/2013		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>380</u> Notice of Appeal. (tp) (Entered: 10/04/2013)



10/04/2013

Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 45 Order on Motion to Appear Pro Hac Vice, 115 Memorandum of Law in Support of Motion filed by Bob Kohn, 107 Order on Motion to Withdraw as Attorney, 55 Notice of Appearance filed by United States of America, 95 MOTION for Steven Brower to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-7724985. Motion and supporting papers to be reviewed by Clerk's Office staff filed by Bob Kohn, 118 Order, Set Hearings, 125 Endorsed Letter, 67 Letter, 96 MOTION to File Amicus Brief filed by Bob Kohn, 43 Protective Order, 24 Notice of Appearance filed by Hachette Book Group, Inc., 129 Endorsed Letter, 4 Notice (Other), Notice (Other) filed by United States of America, 116 MOTION to Stay re: 113 Memorandum & Opinion, Pending Appeal filed by Bob Kohn, 51 Notice of Appearance filed by Holtzbrinck Publishers, LLC, 119 Judgment, 70 Letter, filed by United States of America, 97 Memorandum of Law in Support of Motion filed by Bob Kohn, 85 MOTION for Leave to File Amici Curiae Responses to DOJ's 7-23-12 Response to Public Comments and 8-3-12 Motion to Enter Proposed Final Judgment filed by American Booksellers Association, Inc., Barnes & Noble, Inc., 76 Status Report filed by United States of America, 13 Notice of Appearance filed by HarperCollins Publishers L.L.C., 113 Memorandum & Opinion, 25 Rule 7.1 Corporate Disclosure Statement, filed by Hachette Book Group, Inc., 12 Notice of Appearance filed by HarperCollins Publishers L.L.C., 29 Notice of Appearance filed by Apple, Inc., 15 Rule 7.1 Corporate Disclosure Statement filed by HarperCollins Publishers L.L.C., 106 Declaration in Support of Motion filed by United States of America, 20 Notice of Appearance filed by Simon & Schuster, Inc., 19 Notice (Other), Notice (Other) filed by Simon & Schuster, Inc., 10 Rule 7.1 Corporate Disclosure Statement filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 132 Reply Memorandum of Law in Support of Motion filed by Bob Kohn, 62 Notice of Appearance filed by United States of America, 40 Order on Motion to Appear Pro Hac Vice, 82 Order on Motion to Appear Pro Hac Vice, 123 Endorsed Letter, 121 Order, Set Motion and RRDeadlines/Hearings, 8 Letter, filed by United States of America, 42 MOTION for Daniel S. Floyd, Daniel G. Swanson & Jagannathan P. Srinivasan to Appear Pro Hac Vice filed by Apple, Inc., 102 Rule 7.1 Corporate Disclosure Statement filed by The Authors Guild, Inc., 28 Order, 54 Answer to Complaint filed by Apple, Inc., 88 MOTION for Entry of Judgment under Rule 54(b) and 15 U.S.C. 16(b)-(h) filed by United States of America, 134 Letter, filed by Apple, Inc., 2 Order Designating Case Complex Civil Case, 60 Endorsed Letter, 58 Answer to Complaint filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, 35 Notice of Appearance filed by Apple, Inc., 124 Letter, filed by United States of America, 56 Rule 7.1 Corporate Disclosure Statement filed by Penguin Group (USA), Inc., The Penguin Group, 3 Notice (Other) filed by United States of America, 127 Memorandum of Law in Opposition to Motion filed by United States of America, 7 Order, Set Deadlines/Hearings, 101 Memorandum of Law in Support of Motion, filed by The Authors Guild, Inc., 30 Rule 7.1 Corporate Disclosure Statement filed by Holtzbrinck Publishers, LLC, 105 Reply Memorandum of Law in Support of Motion filed by United States of America, 21 Notice of Appearance filed by Simon & Schuster, Inc., 84 Memorandum of Law in Support of Motion, filed by American Booksellers Association, Inc., Barnes & Noble, Inc., 41 Notice of Change of Address filed by Apple, Inc., 89 Declaration in Support of Motion, filed by United States of America, 39 MOTION for Richard Parker to Appear Pro Hac Vice filed by Apple, Inc., 103 Memorandum of Law in Opposition to Motion filed by Penguin Group (USA), Inc., The Penguin Group, 87 Memorandum of Law in Support of Motion, filed by American Booksellers Association, Inc., Barnes & Noble, Inc., 126 Letter, filed by Penguin Group (USA), Inc., The Penguin Group, 37 Letter, filed by Shilpa Grover, 11 Notice of Appearance filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 81 Response filed by United States of America, 128 Memorandum of Law in Opposition to Motion filed by HarperCollins Publishers L.L.C., 22 Notice of Appearance filed by Simon & Schuster, Inc., 72 Order, 50 Notice of Appearance filed by Holtzbrinck Publishers, LLC, 47 Notice of Appearance filed by Penguin Group (USA), Inc., The Penguin Group, 38 Order Staying Case, 75 MOTION for DAVID J. CAREY to Withdraw as Attorney and [Proposed] Order filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 9 Notice of Appearance filed by Verlagsgruppe Georg Von Holtzbrinck GMBH, Holtzbrinck Publishers, LLC, 110 Brief filed by Bob Kohn, 64 Status Report filed by United States of America, 57 Answer to

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10/04/2013	<u>381</u>	<p>NOTICE OF APPEAL from <u>374</u> Order,,,,,, Document filed by Holtzbrinck Publishers, LLC, Verlagsgruppe Georg Von Holtzbrinck GMBH. Filing fee \$ 455.00, receipt number 0208-8942498. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Attachments: # <u>1</u> Exhibit A)(Mitnick, Joel) (Entered: 10/04/2013)</p>
10/04/2013		<p>Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>381</u> Notice of Appeal. (tp) (Entered: 10/04/2013)</p>
10/04/2013		<p>Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>45</u> Order on Motion to Appear Pro Hac Vice, <u>115</u> Memorandum of Law in Support of Motion filed by Bob Kohn, <u>107</u> Order on</p>

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10/16/2013	<u>384</u>	<p>ORDER. On September 30, 2013, the Department of Justice and the Plaintiff States submitted for consideration the names of two well-qualified candidates to serve as the External Monitor (Monitor) provided for in Section VI of the September 5 Order Entering Permanent Injunction in this case. Having interviewed both candidates, it is clear that either one is capable of doing an exceptional job as Monitor. The Court is grateful to both candidates for their commitment to public service and for taking time to travel and interview with DOJ and the Court. It is hereby ORDERED that Michael Bromwich is appointed as Monitor. IT IS FURTHER ORDERED that Bernard A. Nigro will assist Mr. Bromwich in discharging his responsibilities. (Signed by Judge Denise L. Cote on 10/16/2013) (gr) (Entered: 10/16/2013)</p>



10/25/2013	<u>385</u>	LETTER addressed to Judge Denise L. Cote from Theodore J. Boutrous Jr. dated October 25, 2013 re: Proposed Corrections to June Trial Transcript. Document filed by Apple, Inc.. (Attachments: # <u>1</u> Attachment – Proposed Corrections to June Trial Transcript)(Boutrous, Theodore) (Entered: 10/25/2013)
10/29/2013	<u>386</u>	STIPULATION AND ORDER MAKING CERTAIN CORRESPONDENCE PART OF THE RECORD FILE. (Signed by Judge Denise L. Cote on 10/29/2013) (gr) (Entered: 10/29/2013)
10/29/2013	<u>387</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Theodore J. Boutrous, Jr. dated 10/25/2013 re: The trial transcript in the above–entitled matters contain several formatting errors. We are requesting that the court reporters implement the edits listed in the attached document at their earliest convenience. All parties consent to these changes. ENDORSEMENT: So Ordered. (Signed by Judge Denise L. Cote on 10/29/2013) (gr) (Entered: 10/29/2013)
10/30/2013		First Supplemental ROA Sent to USCA (Electronic File). Certified Supplemental Indexed record on Appeal Electronic Files for 382 Order, <u>384</u> Order, <u>387</u> Endorsed Letter, <u>385</u> Letter, filed by Apple, Inc., 383 Order, <u>386</u> Stipulation and Order USCA Case Number 13–3748, were transmitted to the U.S. Court of Appeals. (tp) (Entered: 10/30/2013)
11/18/2013	<u>388</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/3/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>389</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/3/13 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>390</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/4/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>391</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/4/13 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>392</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/5/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>393</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/5/13 has

		been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>394</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/6/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>395</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/6/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>396</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/10/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>397</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/10/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>398</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/11/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Karen Gorklaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>399</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/11/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>400</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/12/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)

11/18/2013	<u>401</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/12/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>402</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/13/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>403</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/13/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>404</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/17/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>405</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/17/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>406</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/18/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>407</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/18/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>408</u>	TRANSCRIPT of Proceedings re: CORRECTED TRIAL held on 6/19/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Rose Prater, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/21/2014.(McGuirk, Kelly) (Entered: 11/18/2013)
11/18/2013	<u>409</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CORRECTED TRIAL proceeding held on 6/19/13 has been filed by the court reporter/transcriber in the above-captioned matter. The

		parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2013)
11/21/2013	<u>410</u>	ORDER. Notice is hereby given of the following proposed amendment to the October 16, 2013 Order appointing Michael Bromwich as the External Monitor (Monitor) provided for in Section VI of the September 5, 2013 Order Entering Permanent Injunction in this case. Pursuant to Federal Rule of Civil Procedure 53(b)(4), the amendment is proposed as follows (See Order). It is hereby ORDERED that any objection to the terms of the above proposed amendment to the October 16, 2013 Order appointing Michael Bromwich as Monitor is due by November 27, 2013. (Signed by Judge Denise L. Cote on 11/20/2013) (gr) (Entered: 11/21/2013)
11/27/2013	<u>411</u>	Objection re: <u>410</u> Order., <i>DEFENDANT APPLE INC'S OBJECTIONS TO THE COURT'S ORDER FILED ON NOVEMBER 21, 2013</i> . Document filed by Apple, Inc.. (Boutrous, Theodore) (Entered: 11/27/2013)
11/27/2013	<u>412</u>	DECLARATION of THEODORE J. BOUTROUS, JR. in Support re: <u>411</u> Objection (non-motion). Document filed by Apple, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P)(Boutrous, Theodore) (Entered: 11/27/2013)
12/02/2013	<u>413</u>	ORDER. On September 5, 2013, a permanent injunction was entered in these two actions (Injunction). Among other things, the Injunction created the position of an External Compliance Monitor (Monitor) with the duties described in Section VI of the Injunction. The Injunction permitted Apple to object to any candidate for the Monitorship proposed by the Department of Justice and the Plaintiff States and required Apple to reimburse the candidates for reasonable expenses incurred by the candidates in connection with travel undertaken for interviews of the candidates by the United States and the Court. Through an Order of October 16, the Court advised the parties that it had interviewed the two candidates whose names had been submitted by the Department of Justice and the Plaintiff States, and had appointed Michael Bromwich as the Monitor, to be assisted by Bernard Nigro. Since the issuance of the Order of October 16, neither Apple, the Monitor, nor the Department of Justice and Plaintiff States have informed the Court about the work of the Monitor or of any problems associated with that work. There has been no ex parte communication between the Court and the Monitor or between the Court and any of the parties about these issues. In an Order of November 20, the parties were asked to submit any objection by November 27 to amendments to the Injunction described in the November 20 Order. In a submission of November 27 Apple objects to that provision in the November 20 Order that would allow the Monitor to provide the Court with ex parte oral briefings about the monitorship. Apple having objected, the Court will not receive ex parte briefings or reports from the Monitor about his work. Through its November 27 submission, Apple offers other objections as well. It objects to the Monitors performance of his duties to date and to his fee structure for this undertaking. These are matters of which neither the parties nor the Monitor had previously advised the Court. In Section VI.H., the Injunction describes the process through which Apple shall make any objections to the actions by the Monitor. Objections are to be conveyed in writing to the United States and the Plaintiff States within ten calendar days after the action giving rise to the objection. Section VI.I. of the Injunction provides that the Monitor shall serve on such terms and conditions as the United States, after consultation with the Plaintiff States, approves. Any compensation shall be on reasonable and customary terms. Accordingly, it is hereby ORDERED that there shall be no ex parte communication by the Monitor with the Court regarding the performance of his duties as Monitor. IT IS FURTHER ORDERED that Apple shall follow the procedure created by Section VI.H. if it has any objections regarding the Monitor which it is unable to resolve through discussions with the Monitor. To the extent it has any objections about the Monitors fee structure, Apple shall use the procedure created by Section VI.H. to address that issue as well.IT IS FURTHER ORDERED that, in the event timely objection is made by Apple to the Department of Justice

		and the Plaintiff States, and the parties are unable to resolve the issue, any party may seek a conference with the Court through a letter no longer than two pages. The Court will promptly schedule a conference to give all parties, and if appropriate the Monitor, an opportunity to be heard on the matter. (Signed by Judge Denise L. Cote on 12/2/2013) (gr) (Entered: 12/02/2013)
12/05/2013	<u>414</u>	MOTION for Stephen Thayer Fairchild to Withdraw as Attorney. Document filed by United States of America.(Fairchild, Stephen) (Entered: 12/05/2013)
12/10/2013	<u>415</u>	ORDER granting <u>414</u> Motion to Withdraw as Attorney. Attorney Stephen Thayer Fairchild terminated. (Signed by Judge Denise L. Cote on 12/9/2013) (gr) (Entered: 12/10/2013)
12/13/2013	<u>416</u>	ORDER....On December 13, Apple filed a motion (December 13 Motion) by order to show cause for a stay of the Injunction pending appeal to the Second Circuit. DOJ submitted a responsive letter that same day. Also on December 13, the Court held a telephone conference on the record with Apple, DOJ, and the Plaintiff States present, in order to schedule briefing on Apples Motion. In that conference, the Court reminded the parties that the Injunction had not been modified, and stated that the term ex parte, as used in the Courts proposal with respect to communications between the Monitor and Apple did not mean un-counseled, but rather carried the ordinary meaning of ex parte, i.e., that DOJ and/or the Plaintiff States need not be present during any communication between the Monitor and Apple, and that Apple need not be present for any communication between Monitor and DOJ and/or the Plaintiff States. Apple was given the opportunity to amend its motion in light of these statements. It declined to do so. Accordingly, it is herebyORDERED that DOJ and the Plaintiff States opposition to Apples December 13 Motion is due by December 30, 2013. Apples reply, if any, is due by January 7, 2014. IT IS FURTHER ORDERED that at the time any pleading is served, the party submitting the pleading shall supply Chambers with two (2) courtesy copies of all motion papers by mailing or delivering them to the United States Courthouse, 500 Pearl Street, New York, New York. (Signed by Judge Denise L. Cote on 12/13/2013) (gr) (Entered: 12/13/2013)
12/13/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Telephone Conference held on 12/13/2013. (Court Reporter Sam Mauro) (gr) (Entered: 12/16/2013)
12/14/2013	<u>417</u>	MEMORANDUM OF LAW in Support re: <u>416</u> Order,,,,,, / <i>DEFENDANT APPLE INC.'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION BY ORDER TO SHOW CAUSE FOR A STAY OF THE INJUNCTION PENDING APPEAL.</i> Document filed by Apple, Inc.. (Boutrous, Theodore) (Entered: 12/14/2013)
12/14/2013	<u>418</u>	DECLARATION of GENE LEVOFF in Support re: <u>416</u> Order,,,,,,. Document filed by Apple, Inc.. (Boutrous, Theodore) (Entered: 12/14/2013)
12/14/2013	<u>419</u>	DECLARATION of THEODORE J. BOUTROUS, JR. in Support re: <u>416</u> Order,,,,,,. Document filed by Apple, Inc.. (Attachments: # <u>1</u> Exhibit A through F, # <u>2</u> Exhibit G through L, # <u>3</u> Exhibit M through S)(Boutrous, Theodore) (Entered: 12/14/2013)
12/14/2013	<u>420</u>	LETTER addressed to Judge Denise L. Cote from Lawrence Buterman dated December 13, 2013 re: Apple's Proposed Order to Show Cause. Document filed by United States of America.(Buterman, Lawrence) (Entered: 12/14/2013)
12/23/2013	<u>421</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 12/13/2013 before Judge Denise L. Cote. Court Reporter/Transcriber: Samuel Mauro, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/16/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014.(Rodriguez, Somari) (Entered: 12/23/2013)
12/23/2013	<u>422</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 12/13/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties

		have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 12/23/2013)
12/30/2013	<u>423</u>	MEMORANDUM OF LAW in Opposition re: <u>416</u> Order,,,,,, <i>Plaintiffs' Memorandum of Law in Opposition to Apple Inc.'s Motion to Show Cause for a Stay of the Injunction Pending Appeal</i> . Document filed by United States of America. (Buterman, Lawrence) (Entered: 12/30/2013)
12/30/2013	<u>424</u>	DECLARATION of Michael R. Bromwich in Opposition re: <u>416</u> Order,,,,,, Document filed by United States of America. (Attachments: # <u>1</u> Exhibits A–Z to Declaration of Michael R. Bromwich, # <u>2</u> Exhibits AA–PP to Declaration of Michael R. Bromwich)(Buterman, Lawrence) (Entered: 12/30/2013)
01/07/2014	<u>425</u>	LETTER addressed to Judge Denise L. Cote from Theodore J. Boutros, Jr. dated January 7, 2014 re: objections to the external compliance monitor. Document filed by Apple, Inc..(Boutros, Theodore) (Entered: 01/07/2014)
01/07/2014	<u>426</u>	DECLARATION of CYNTHIA E. RICHMAN in Support re: <u>425</u> Letter. Document filed by Apple, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Boutros, Theodore) (Entered: 01/07/2014)
01/07/2014	<u>427</u>	REPLY MEMORANDUM OF LAW in Support re: <u>416</u> Order,,,,,, Document filed by Apple, Inc.. (Boutros, Theodore) (Entered: 01/07/2014)
01/07/2014	<u>428</u>	DECLARATION of KYLE ANDEER in Support re: <u>416</u> Order,,,,,, Document filed by Apple, Inc.. (Boutros, Theodore) (Entered: 01/07/2014)
01/07/2014	<u>429</u>	DECLARATION of MATTHEW J. REILLY in Support re: <u>416</u> Order,,,,,, Document filed by Apple, Inc.. (Boutros, Theodore) (Entered: 01/07/2014)
01/07/2014	<u>430</u>	DECLARATION of THEODORE J. BOUTROUS, JR. in Support re: <u>416</u> Order,,,,,, Document filed by Apple, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Boutros, Theodore) (Entered: 01/07/2014)
01/08/2014	<u>431</u>	LETTER addressed to Judge Denise L. Cote from Lawrence E. Buterman dated January 8, 2014 re: Apple's Reply Memorandum. Document filed by United States of America.(Buterman, Lawrence) (Entered: 01/08/2014)
01/08/2014	<u>432</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Lawrence E. Buterman dated 1/8/2014 re: Request that Apple's reply brief should be stricken, and that Apple be ordered to submit a reply that comports with this Court's Individual Practices and all applicable Rules. ENDORSEMENT: The parties are reminded to comply with this Court's Individual Practices or to seek prior approval for a departure. The request to strike is denied. If the plaintiffs seek to file a sur-reply to address new arguments that appear in the reply, they may do so by Saturday, January 11 at noon. (Signed by Judge Denise L. Cote on 1/8/2014) (gr) (Entered: 01/08/2014)
01/08/2014	<u>433</u>	LETTER addressed to Judge Denise L. Cote from Theodore J. Boutros, Jr. dated January 8, 2014 re: reply memoranda limits. Document filed by Apple, Inc..(Boutros, Theodore) (Entered: 01/08/2014)
01/10/2014	<u>434</u>	LETTER addressed to Judge Denise L. Cote from Lawrence E. Buterman dated January 10, 2014 re: Apple's January 7 Letter Seeking Disqualification of the External Compliance Monitor. Document filed by United States of America.(Buterman, Lawrence) (Entered: 01/10/2014)
01/10/2014	<u>435</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: <u>416</u> Order,,,,,, <i>Plaintiffs' Sur-Reply in Opposition to Apple Inc.'s Motion to Show Cause for a Stay of the Injunction Pending Appeal</i> . Document filed by United States of America. (Buterman, Lawrence) (Entered: 01/10/2014)
01/10/2014	<u>436</u>	DECLARATION of Michael R. Bromwich in Opposition re: <u>416</u> Order,,,,,, Document filed by United States of America. (Buterman, Lawrence) (Entered: 01/10/2014)

		01/10/2014)
01/13/2014		Minute Entry for proceedings held before Judge Denise L. Cote: Oral Argument held on 1/13/2014 (Court Reporter Sam Mauro) (gr) (Entered: 01/14/2014)
01/16/2014	<u>437</u>	OPINION AND ORDER. Apple's motion to suspend operation of Section VI of the Injunction because the Monitor must be disqualified, or on any other grounds preserved and argued to this Court is denied. Apple's motion for a stay of this ruling pending its appeal to the Second Circuit is denied with the following exception. Apple is granted a stay of Section VI of the Injunction from the filing of this Opinion until Tuesday, January 21, 2014, at noon, in order to pursue an appeal of this Opinion and Order denying a stay, on the condition that Apple file its motion for a stay by Saturday, January 18, 2014 at noon. (Signed by Judge Denise L. Cote on 1/16/2014) (gr) (Entered: 01/16/2014)
01/16/2014	<u>438</u>	ORDER. This Court's ECF system being out of operation, today's Opinion and Order was emailed to the parties at 9:47 a.m., and filed as soon as possible after the ECF system became operational. It is hereby ORDERED that, should Apple wish to appeal, it file a notice of appeal forthwith. (Signed by Judge Denise L. Cote on 1/16/2014) (gr) (Entered: 01/16/2014)
01/16/2014	<u>439</u>	NOTICE OF APPEAL from <u>437</u> Memorandum & Opinion,,. Document filed by Apple, Inc.. Filing fee \$ 505.00, receipt number 0208-9269803. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Boutrous, Theodore) (Entered: 01/16/2014)
01/17/2014		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>439</u> Notice of Appeal. (tp) (Entered: 01/17/2014)
01/17/2014		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files ( <i>ONLY</i> ) for <u>439</u> Notice of Appeal filed by Apple, Inc. were transmitted to the U.S. Court of Appeals. (tp) (Entered: 01/17/2014)