

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-60 Caption [use short title]

Motion for: Emergency Motion to Stay Injunction Pending Appeal United States of America v. Apple Inc.

Set forth below precise, complete statement of relief sought: Defendant-Appellants seek, on an emergency basis, a stay of that portion of the district court's injunction that imposes an external compliance monitor, pending appeal from the district court's final judgment as well as its denial of objections to the external compliance monitor's conduct. Defendants-Appellants also seek an administrative stay pending the Court's adjudication of their Emergency Motion.

MOVING PARTY: Apple Inc. OPPOSING PARTY: The United States

Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Theodore J. Boutrous, Jr. OPPOSING ATTORNEY: Finnuala Kelleher Tessier

[name of attorney, with firm, address, phone number and e-mail]

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Court-Judge/Agency appealed from: United States District Court for the Southern District of New York-The Hon. Denise L. Cote

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1): Yes No (explain):

Opposing counsel's position on motion: Unopposed Opposed Don't Know

Does opposing counsel intend to file a response: Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney: Date: 1/17/14 Service by: CM/ECF Other [Attach proof of service]

/s/ Theodore J. Boutrous, Jr.

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency:

Requested return date: Jan. 21, 2014.

The District Court has granted a temporary stay to permit Defendant-Appellee to seek emergency relief in this Court. That stay expires on Jan. 21 at noon.