

# **Exhibit I**

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BY E-MAIL

November 22, 2013

Re: External Antitrust Compliance Monitoring

Michael R. Bromwich  
The Bromwich Group LLC  
901 New York Avenue, NW 5th Floor  
Washington, D.C. 20001

Dear Michael:

I write in regard to your repeated requests to interview additional Apple executives, board members, and other employees, and to attempt to agree more generally on a schedule moving forward. In the past few weeks, you have sent frequent and repetitive requests to speak with—among many others—at least five different board members and the entire Apple executive team (including Sir Jonathan Ive, whose sole and exclusive responsibility at Apple is to perfect elegant product designs), long before the Court contemplated that your review would begin. As explained below, these requests are inconsistent with Judge Cote’s direction and counter-productive to Apple’s extensive efforts to develop a comprehensive new antitrust training and monitoring program. Furthermore, cascades of emails and demands for immediate attention are incredibly disruptive.

Michael R. Bromwich

-2-

November 22, 2013

First and most fundamentally, and as we explained to you previously, Judge Cote stated expressly that she expected your review to begin three months after your appointment, noting from the bench that “I don’t think that the [Monitor] should conduct a review or assessment of the current policies. I would expect that Apple would revise its current policy substantially . . . and create an effective training program. That will require some time. So I think this should be revised to have the [Monitor] ***doing an assessment in three months from appointment and beginning to engage Apple in a discussion at that point.***” Transcript of Oral Argument at 20-21, Apple, Inc., No. 1:12-CV-2826 (Sept. 5, 2013) (emphasis added). Similarly, the Court amended the Final Judgment to require you to “conduct a review . . . [of] Apple’s internal antitrust compliance policies and procedures, ***as they exist 90 days after his or her appointment***” and to “also conduct a review to assess whether Apple’s training program, required by Section V.C of this Final Judgment, ***as it exists 90 days after his or her appointment***, is sufficiently comprehensive and effective.” Final Judgment § VI.C (emphasis added). Judge Cote also stated more generally that “I want this injunction to rest as lightly as possible on the way Apple runs its business.” Transcript of Oral Argument at 8-9, Apple, Inc., No. 1:12-CV-2826 (Sept. 5, 2013).

Thus, Judge Cote clearly prescribed that your review would begin in substance on or around January 14, 2014, not almost immediately after your appointment. She also directed that you conduct your review in such a way as to disrupt Apple’s business operations as little as possible. The reason for this three-month window is of course to provide Apple and its counsel with time to develop new, comprehensive antitrust training and compliance materials in accordance with the Final Judgment, without hampering Apple’s business. Apple and its counsel have in fact already dedicated substantial internal

Michael R. Bromwich

-3-

November 22, 2013

and external resources to developing Apple's new training and compliance program, which we intend to provide to you in draft form in the near future.

Second, *despite* the fact that the Court expected your engagement to begin substantively after this three-month window, Apple already has gone far beyond what the Final Judgment and Judge Cote require of it. Apple took the initiative to meet with you and your team on October 22, 2013, immediately after your appointment. We then agreed to schedule interviews of two senior Apple attorneys on November 18, 2013, despite the fact that the Final Judgment does not require Apple to do so. Most recently, we have proposed making several more Apple employees available to you in the first week of December for two-and-a-half full days of additional interviews. We have also provided you with a number of documents pursuant to your requests and will provide additional documents going forward.

Third, your continual requests for additional interviews and other information before January 14, 2014, affirmatively hamper Apple's efforts to develop a new antitrust training and compliance program as efficiently and effectively as possible within the deadline set by Judge Cote. Even after we have met and conferred with you in good faith regarding specific requests, you have regularly repackaged the same demands in different forms, through a variety of emails and telephonic and in-person meet and confers, and on a nearly daily or weekly basis. This constant stream of repetitive requests distracts the Apple in-house and outside counsel responsible for developing the new training program, thereby taking away time that would otherwise be devoted to completing the very antitrust program that is the centerpiece of Judge Cote's Order.

Michael R. Bromwich

-4-

November 22, 2013

In short, we have gone far above and beyond that required of us by the Final Judgment in order to demonstrate our commitment to working with you in good faith and to complying with Judge Cote's instructions. We remain committed to doing so. In the spirit of cooperation, and to ensure that you obtain the information you need while minimizing any further disruption to the company, we propose the following schedule for additional interviews, generally to be conducted every two months or so beginning with the upcoming interviews in December:

**December 4:**

9:00 a.m.: Chris Keller, Vice President, Internal Audit

10:00 a.m.: Noreen Krall, Vice President and Chief Litigation Counsel

11:00 a.m.: Doug Vetter, Vice President and Associate General Counsel

1:00 p.m.: Kyle Andeer, Senior Director, Competition Law & Policy

2:00 p.m.: Annie Persampieri, Corporate Counsel, Internet Services & Software

3:00 p.m.: Deena Said, Antitrust Compliance Officer<sup>1</sup>

**December 5:**

11:00 a.m.: Ronald Sugar, Director and Chair of the Audit and Finance Committee

2:00 p.m.: Rob McDonald, Head, U.S. iBookstore

3:00 p.m.: Tom Moyer, Chief Compliance Officer (by phone, as Mr. Moyer will be traveling)

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<sup>1</sup>

Please let me know what time you plan to begin interviewing each day. If any of the proposed times do not work for you, we will work with you in good faith to move specific interviews later in the afternoon on December 4 or to a mutually convenient time on December 6.

Michael R. Bromwich

-5-

November 22, 2013

**December 6:**

9:00 a.m.: Gene Levoff, Associate General Counsel, Corporate Law

11:00 a.m.: Keith Moerer, Director, iBookstore

Please note that Bruce Sewell is unavailable December 4-6 due to prior commitments, but will be available for a telephonic interview the week of December 9. We will follow up with proposed dates and times for that call shortly. We will also provide you with any other logistical information shortly before the interviews.

Furthermore, we propose offering one or a small number of senior executives and content managers in early February. Any meeting between you and an Apple business executive or manager, or between you and Mr. Sugar, will be held in the presence of counsel so that we may appropriately protect Apple's attorney-client privilege.

In advance of the additional interviews set out above, we are happy to continue working with you in good faith to respond to any document requests that are reasonably related to your duties as monitor. To that end, enclosed please find a revised draft confidentiality agreement reflecting our discussions last week. Please let me know if you have any further changes to or comments regarding the agreement.

Feel free to contact me with any questions.

Sincerely,



Matthew J. Reilly

Encl.