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8
9 UNITED STATES DISTRICT COURT

10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11
12 **IN RE MUSICAL INSTRUMENTS AND
EQUIPMENT ANTITRUST LITIGATION**

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

MDL No. 2121

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15 This Document Relates To:

16 ALL ACTIONS

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**SUPPLEMENTAL JOINT STATEMENT
IN RESPONSE TO THE COURT'S
ORDER FOLLOWING APPEAL**

1 On November 25, 2015, in light of the Ninth Circuit's decision affirming the Court's dismissal
2 of plaintiffs' antitrust claim under Section 1 of the Sherman Act, the Court directed the parties to file a
3 joint statement responding to the Court's proposal to transfer cases with supplemental claims back to
4 their transferee courts. ECF No. 231. On December 15, 2015, the parties filed a joint statement
5 informing the Court that they anticipated reaching an agreement to dismiss all remaining claims. ECF
6 No. 233. The parties requested an extension until December 22, 2015, to complete their negotiations
7 and submit a further joint statement.

8 The parties provide this further joint statement to inform the Court that plaintiffs have agreed to
9 dismiss all remaining claims in this litigation, with each party bearing its own costs. Many member
10 cases in this consolidated action asserted only claims under Section 1 of the Sherman Act, which the
11 Court dismissed on August 20, 2012. As the Court noted in its November 25 order, some of the member
12 cases also include supplemental claims. In response to the Court's order, Plaintiffs' Lead-Liaison
13 Counsel conferred with counsel for the plaintiffs in the member cases with supplemental claims and
14 with counsel representing the named plaintiffs in the consolidated complaint. All plaintiffs have agreed
15 to dismiss all remaining claims.

16 As a result of the Court's August 20, 2012 Order and plaintiffs' voluntary dismissal of their
17 supplemental claims, the parties agree that all cases and claims in this multidistrict litigation have been
18 resolved. The attached Appendix identifies the member cases, each of which either (1) includes only a
19 claim under Section 1 of the Sherman Act or (2) includes other claims that are being dismissed.

20 Lead-Liaison Counsel is concurrently filing a Notice of Voluntary Dismissal pursuant to Federal
21 Rule of Civil Procedure 41(a)(1)(A)(i).

22 Each party has agreed to bear its own costs and expenses and Defendants will not file a bill of
23 costs.

24 DATED: December 21, 2015

Respectfully submitted,

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ELECTRONIC CASE FILING ATTESTATION

I, Scott Grzenczyk, am the ECF User whose identification and password are being used to file this Supplemental Joint Statement in Response to the Court’s Order Following Appeal. I hereby attest that the concurrence in the filing of this has been obtained from signatories to this document.

 /s/ Scott Grzenczyk
Scott Grzenczyk

APPENDIX

List of Member Cases in *In re Musical Instruments & Equipment Antitrust Litigation*, MDL 2121

3:09-cv-02002-LAB-DHB *Giambusso v. National Association of Music Merchants, Inc. et al*

3:09-cv-02146-LAB-DHB *Giles v. Guitar Center, Inc. et al*

3:09-cv-02151-LAB-DHB *Collins v. Guitar Center, Inc. et al*

3:09-cv-02156-LAB-DHB *Keel v. Guitar Center, Inc. et al*

3:09-cv-02178-LAB-DHB *Witherspoon v. National Association of Music Merchants, Inc. et al*

3:09-cv-02211-LAB-DHB *Ramsey et al v. National Association of Music Merchants, Inc. et al*

3:09-cv-02267-LAB-DHB *Sepulveda v. Guitar Center, Inc.*

3:09-cv-02285-LAB-DHB *Paradise v. National Association of Music Merchants, Inc. et al*

3:09-cv-02332-LAB-DHB *Bohl v. National Association of Music Merchants, Inc. et al*

3:09-cv-02418-LAB-DHB *Lesko et al v. Guitar Center, Inc. et al*

3:09-cv-02423-LAB-DHB *Seiler, et al. v. Guitar Center, Inc. et al*

3:09-cv-02488-LAB-DHB *Gagnepain v. Guitar Center, Inc. et al*

3:09-cv-02816-LAB-DHB *Teller v. Guitar Center, Inc.*

3:09-cv-02822-LAB-DHB *O'Leary v. Guitar Center Inc. et al*

3:09-cv-02823-LAB-DHB *Hale v. Guitar Center Inc. et al*

3:10-cv-00001-LAB-DHB *Pearson et al vs Guitar Center, Inc. et al*

3:10-cv-00002-LAB-DHB *Bigg v. Guitar Center, Inc. et al*

3:10-cv-00003-LAB-DHB *Jost v. Guitar Center, Inc. et al*

3:10-cv-00019-LAB-DHB *Parikh v. Guitar Center, Inc. et al*

3:10-cv-00020-LAB-DHB *MacWilliamson v. Guitar Center, Inc. et al*

3:10-cv-00022-LAB-DHB *Smith v. Guitar Center Inc et al*

3:10-cv-00023-LAB-DHB *Jennings v. Guitar Center Inc et al*

3:10-cv-00024-LAB-DHB *Kennedy v. National Association of Music Merchants, Inc. et al*

3:10-cv-00026-LAB-DHB *Cervantes v. Guitar Center, Inc. et al*

3:10-cv-00027-LAB-DHB *Poff, Jr. v. Guitar Center, Inc. et al*

3:10-cv-00028-LAB-DHB *Cook v. Guitar Center, Inc. et al*

3:10-cv-00029-LAB-DHB *Logsdon v. Guitar Center, Inc. et al*

3:10-cv-00033-LAB-DHB *Armstrong v. National Association of Music Merchants Inc et al*

3:10-cv-00063-LAB-DHB *Roach v. National Association of Music Merchants, Inc. et al*

3:10-cv-00075-LAB-DHB *Feltheimer v. National Association of Music Merchants, Inc. et al*

3:10-cv-00103-LAB-DHB *Kaufman v. National Association of Music Merchants, Inc. et al*

3:10-cv-00136-LAB-DHB *Manyin v. Guitar Center et al*

3:10-cv-00138-LAB-DHB *Melton v. Guitar Center Inc et al*

3:10-cv-00139-LAB-DHB *Tabas v. Guitar Center Inc et al*

3:10-cv-00179-LAB-DHB *Bandish v. Guitar Center Inc et al*

3:10-cv-00753-LAB-DHB *Wiggins v. Guitar Center, Inc. et al*

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 21, 2015.

/s/ Scott Grzenczyk

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