

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE STATE OF TEXAS *et al.*,

Plaintiffs,

v.

PENGUIN GROUP (USA) INC. *et al.*,

Defendants.

Civil Action No. 12-cv-3394 (DLC)

ECF Case

IN RE ELECTRONIC BOOKS  
ANTITRUST LITIGATION

Civil Action No. 11-md-2293 (DLC)

ECF Case

**NOTICE OF PENGUIN GROUP (USA), INC.'S MOTION FOR A JURY TRIAL ON THE  
PLAINTIFF STATES' CLAIMS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Penguin Group (USA), Inc.'s Motion for a Jury Trial on the Plaintiff States' Claims, Defendant Penguin Group (USA), Inc. ("Penguin"), by and through undersigned counsel, will move this Court before the Honorable Denise L. Cote, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, for an order granting its motion for a jury trial on the Plaintiff States' claims by allowing the States' claims to be heard concurrently at the already-contemplated damages trial with the States and class pursuant to Federal Rule of Civil Procedure 42, or by having the States' claims decided before a jury at the Department of Justice trial. The grounds for this motion are set forth in Penguin's Memorandum of Law, which is submitted herewith.

Dated: March 15, 2013

Respectfully submitted,

\_\_\_\_\_/s/ Daniel F. McInnis  
Daniel Ferrel McInnis  
Larry Tanenbaum  
Carolyn Perez  
Akin Gump Strauss Hauer & Feld, LLP  
1333 New Hampshire Ave., NW  
Washington, DC 20036  
Tel.: 202-887-4000  
Fax: 202-887-4288  
dmcinnis@akingump.com  
ltanenbaum@akingump.com  
cperez@akingump.com

*Counsel for Defendant Penguin Group (USA), Inc.*