

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

**This Document Relates to:**

**IN RE ELECTRONIC BOOKS  
ANTITRUST LITIGATION**

**No. 11-md-02293 (DLC)  
ECF Case**

**CLASS ACTION**

**THE STATE OF TEXAS, et al.,**

**Plaintiffs,**

**v.**

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

**Defendants**

**Civil Action  
No. 12-cv-03394**

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL  
OF SETTLEMENT WITH APPLE INC.**

PLEASE TAKE NOTICE that upon the filing of the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement with Apple Inc., and all attachments submitted therewith, Plaintiffs will move this Court before the Honorable Denise Cote, at the United States courthouse located at 500 Pearl Street, New York, New York 10007, for an order:

- 1) Granting preliminary approval of the Apple Settlement; and
- 2) Granting Plaintiffs' request to defer notice to consumers of the Apple Settlement until further order of the Court.

Plaintiff States (by and through Liaison Counsel for Plaintiff States) and Settlement Class (by and through co-lead counsel Hagens Berman Sobol Shapiro LLP and Cohen Milstein Sellers


& Toll PLLC) seek these orders pursuant to the Clayton Act, 15 U.S.C. § 15 (authorizing persons to bring a civil antitrust action for damages) and 15 U.S.C. § 15c (authorizing State Attorneys General to bring a civil antitrust action for damages, as *parens patriae* on behalf of natural persons residing in such States, and requiring court approval of compromise of such claims).

Dated: July 16, 2014.

Respectfully submitted,

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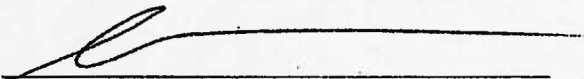
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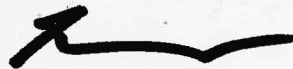
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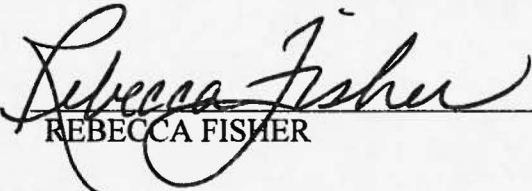
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2014, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

  
REBECCA FISHER