

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
:  
:  
Plaintiff, :  
-v- :  
:  
APPLE INC., et al., :  
:  
Defendants. :

12 Civ. 2826 (DLC)

ORDER

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THE STATE OF TEXAS, et al.,  
:  
:  
Plaintiffs, :  
-v- :  
:  
PENGUIN GROUP (USA) INC., et al., :  
:  
Defendants. :

12 Civ. 3394 (DLC)

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DENISE COTE, District Judge:

On February 10, 2014, the Court of Appeals for the Second Circuit denied Apple's appeal from this Court's rejection of its motion to stay the monitorship. By letter of February 18, the Monitor advises the Court that he wrote to Apple on February 11 on various topics, and that Apple's counsel has proposed a meeting during the week of March 3. The Monitor asks that the Court schedule periodic status conferences. It is hereby

ORDERED that Apple shall provide to the Monitor on a rolling basis, with final production being made no later than February 26, the documents the Monitor has requested, including those the Monitor requested in October, as well as any

additional documents that Apple wishes the Monitor to review. With respect to any documents which the Monitor requested for the first time on February 11, should Apple believe that any of those documents should not be provided to him, it shall promptly discuss the issue with him, and if they are unable to resolve the issue, the Monitor and Apple shall discuss the issue with the DOJ. If those discussions are not successful in resolving the dispute, the parties and/or Monitor should promptly submit the issue to the Court in a letter no longer than two pages. Every effort should be made to provide the Monitor with all documents well in advance of his meeting with Apple, which is scheduled to occur during the week of March 3.

IT IS FURTHER ORDERED that the request for periodic status conferences is denied at this time. The Monitor or the parties may renew this request.

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Dolinger to resolve any disputes that arise in connection with the monitorship, subject to appeal to this Court.

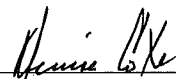
IT IS FURTHER ORDERED that the parties and the Monitor shall promptly contact Magistrate Judge Dolinger to schedule a conference before him to take place during the week of either March 3 or March 10. Should the parties resolve all disputes

and have no need for his services, they may cancel the conference.

IT IS FURTHER ORDERED that, in the event the parties or the Monitor wish to appeal from any ruling by Magistrate Judge Dolinger, any one of them shall promptly submit to this Court a letter no longer than two pages notifying the Court of the dispute. The Court shall promptly arrange a conference at which all parties and the Monitor will be given an opportunity to be heard, or if appropriate, shall promptly rule on the dispute through the issuance of an Order.

SO ORDERED:

Dated: New York, New York  
February 19, 2014

  
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DENISE COTE  
United States District Judge