

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

**This Document Relates to:**

<u>IN RE ELECTRONIC BOOKS ANTITRUST LITIGATION</u>	)	<b>No. 11-md-02293 (DLC)</b>
	)	<b>ECF Case</b>
	)	<b>CLASS ACTION</b>
<u>THE STATE OF TEXAS, et al.,</u>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Civil Action</b>
	)	<b>No.12-cv-03394</b>
<b>v.</b>	)	
	)	
<u>PENGUIN GROUP (USA) INC., et al.</u>	)	
	)	
<b>Defendants.</b>	)	
	)	

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF MACMILLAN AND  
PENGUIN SETTLEMENTS AND PROPOSED NOTICE AND DISTRIBUTION PLANS**

PLEASE TAKE NOTICE that upon the filing of the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Macmillan and Penguin Settlements and Proposed Consumer Notice and Distribution Plans, and all papers and pleadings 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 Plaintiffs' motion for preliminary approval of Plaintiffs' settlement agreement with Holtzbrinck Publishers, LLC, d/b/a Macmillan ("Macmillan");
- 2) Granting Plaintiffs' motion for preliminary approval of Plaintiffs' settlement agreement with Penguin Group (USA), Inc. ("Penguin");
- 3) Approving Plaintiffs' plan to provide notice of the settlements to consumers in accordance with due process and 15 U.S.C. §15c; and
- 4) Granting preliminary approval of the Consumer Distribution Plan.

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) and 15 U.S.C. § 26 (authorizing persons to bring a civil antitrust action for injunctive relief).

Dated: June 21, 2013.

Respectfully submitted,

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**ATTORNEYS FOR SETTLEMENT CLASS**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 21, 2013, 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