

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

MAXELL, LTD.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Civil Action No. 5:19-cv-00036-RWS

**JURY TRIAL DEMANDED**

**DECLARATION OF LUANN SIMMONS IN SUPPORT OF  
DEFENDANT APPLE INC.'S SUR-REPLY TO MOTION FOR SANCTIONS**

I, Luann L. Simmons, hereby declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, counsel for Apple, Inc. ("Apple") in this matter filed by Maxell, Ltd. ("Maxell"). I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.
2. Attached as **Exhibit 14** are true and correct copies of excerpts to the deposition transcript of Adam Machalek, taken on March 6, 2020.
3. Attached as **Exhibit 15** are true and correct copies of excerpts to the transcript to the Meet and Confer Teleconference, dated January 23, 2020.
4. Attached as **Exhibit 16** is a true and correct copy of correspondence to Jamie Beaber from Tony Beasley, dated October 16, 2019.
5. Attached as **Exhibit 17** is a true and correct copy of correspondence to Jamie Beaber from Marc Pensabene, dated March 31, 2020.
6. Attached as **Exhibit 18** are true and correct copies of excerpts to the transcript to the Meet and Confer Teleconference, dated March 3, 2020.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on this 31st day of March, 2020.

/s/ Luann L. Simmons  
Luann L. Simmons