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

**IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION**)
)
)

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

This Document Relates to:

)
THE STATE OF TEXAS, et. al.,)
)
Plaintiffs,)
)
v.)
)
HACHETTE BOOK GROUP, INC., et. al.,)
)
Defendants.)
)

Civil Action No. _____

**NOTICE OF PLAINTIFF STATES' MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENTS AND PROPOSED NOTICE AND DISTRIBUTION PLANS**

Pursuant to Local Rule 7.1 of the Southern District of New York, please take notice that, upon the filing of the Memorandum of Law in Support of Plaintiff States' Motion for Preliminary Approval of Settlements and Proposed Consumer Notice and Distribution Plans and all papers and pleadings submitted therewith, the Plaintiff States 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 Plaintiff States' motion for preliminary approval of Plaintiff States' settlement agreements with Defendants HarperCollins Publishers, L.L.C.,

Hachette Book Group, Inc., Simon & Schuster, Inc. and Simon & Schuster Digital Sales, Inc. (together "Simon & Schuster");

- 2) Approving Plaintiff States' plan to provide notice of the settlements to consumers in accordance with due process and 15 U.S.C. §15c; and
- 3) Approving Plaintiff States' plan for distribution of settlement funds to consumers.

Plaintiff States, by and through the State of New York and the Liaison States of Texas, Connecticut and Ohio, seek this order pursuant to the Clayton Act, 15 U.S.C. §15c. *See* 15 U.S.C. §15c (authorizing the 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: August 29, 2012

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**ATTORNEYS FOR THE STATE OF NEW YORK
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Plaintiff States' Motion for Preliminary Approval of Settlements and Proposed Notice and Distribution Plans was served this 29th day of August 2012, by regular US mail upon the following:

For Defendant HarperCollins Publishers, LLC:

Clifford H. Aronson
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036-6522

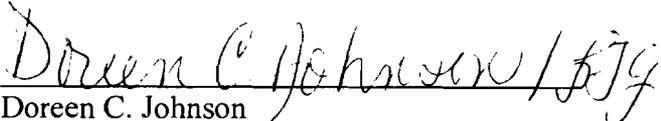
For Defendant Hachette Book Group, Inc.:

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**For Defendants Simon & Schuster, Inc.
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Dated: August 29, 2012


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