

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

---

UNITED STATES OF AMERICA, )  
 )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. 12-cv-2826 (DLC)  
 )  
 APPLE, INC., et al., )  
 )  
 )  
 Defendants. )  

---

---

THE STATE OF TEXAS; )  
 )  
 THE STATE OF CONNECTICUT; et al )  
 )  
 )  
 Plaintiffs, )  
 )  
 v. ) Civil Action No. 12-cv-03394 (DLC)  
 )  
 )  
 PENGUIN GROUP (USA) INC. et al, )  
 )  
 )  
 Defendants. )  

---

**PLAINTIFFS' PROPOSED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**