



MEMO ENDORSED

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February 11, 2013

BY E-MAIL
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Honorable Richard Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-11-13

Re: Greenlight Capital, LP v. Apple Inc. (13-CV-00900-RJS)

Dear Judge Sullivan:

We represent Apple in this action. We write with Plaintiffs' agreement to request a modification of the briefing and hearing schedule on Plaintiffs' motion for a preliminary injunction. Plaintiffs filed a motion for preliminary injunction and order to show cause on Thursday, February 7. In light of the imminent Apple shareholder meeting that the proposed motion would affect, and after discussions with Plaintiffs' counsel, the parties request that the proposed schedule for the briefing and hearing on the motion be accelerated. Apple is prepared to file and serve its opposition papers by close of business on Wednesday, February 13 (instead of Friday, February 15). Plaintiffs would file their reply papers by close of business on Friday, February 15 (instead of Monday, February 18), and the parties request argument as early in the week of February 18 as the Court can accommodate. We would be prepared to argue on Tuesday, February 19, if that date worked with the Court. (Argument is currently scheduled for Friday, February 22.)

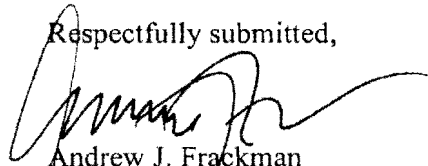
My San Francisco partner, George Riley, will be arguing for Apple. In addition to the time pressures of Apple's imminent shareholder meeting, Mr. Riley has hearings in Texas on

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Wednesday and Friday of next week, making a Tuesday hearing optimal, if the Court could accommodate it.

Respectfully submitted,



Andrew J. Frackman
of O'MELVENY & MYERS LLP

cc: Mitchell Hurley, Esq. (Akin Gump LLP)

Defendant's request is GRANTED. The parties are
HEREBY ORDERED to appear for oral argument on
Tuesday, February 19, 2013 at 2:30 p.m. in
Courtroom 21C of the United States District
Court, 500 Pearl Street, New York, New York.

SO ORDERED

Dated:

2/11/13



RICHARD J. SULLIVAN
U.S.D.J.