

1 GIBSON, DUNN & CRUTCHER LLP
 DANIEL G. SWANSON, SBN 116556
 2 DSwanson@gibsondunn.com
 ANDREW Z. EDELSTEIN, SBN 218023
 3 AEdelstein@gibsondunn.com
 333 South Grand Avenue
 4 Los Angeles, California 90071-3197
 Telephone: (213) 229-7000
 5 Facsimile: (213) 229-7520

6 GIBSON, DUNN & CRUTCHER LLP
 D. JARRETT ARP, pro hac vice
 7 JArp@gibsondunn.com
 ADAM J. DI VINCENZO, pro hac vice
 8 ADiVincenzo@gibsondunn.com
 1050 Connecticut Avenue, N.W.
 9 Washington, D.C. 20036-5306
 Telephone: (202) 955-8500
 10 Facsimile: (202) 955-8600

11 Attorneys for Defendants
 12 FLEXSYS AMERICA L.P. and FLEXSYS N.V.

13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 IN RE RUBBER CHEMICALS ANTITRUST
 LITIGATION

CASE NO. M:04-cv-01648-MMC

**STIPULATION AND ~~[PROPOSED]~~
 ORDER REGARDING BRIEFING
 SCHEDULE ON PLAINTIFF'S MOTION
 FOR LEAVE TO FILE A
 SUPPLEMENTAL COMPLAINT**

17 THIS DOCUMENT RELATES TO:
 18
 19 C-07-1057-MMC
 20

STIPULATION

22 **WHEREAS**, on September 23, 2008 Plaintiff Korea Kumho Petrochemical Co., Ltd. filed a
 23 Notice of Motion and Motion for Leave to File a Supplemental Complaint (07-1057 ECF Doc. # 111;
 24 04-1648 ECF Doc. # 715) (the "Motion");

25 **WHEREAS**, Defendants intend to oppose the Motion and their Opposition is currently due on
 26 or before Friday, October 10, 2008;

27 **WHEREAS**, the parties have met and conferred and agreed on a mutually convenient briefing
 28 schedule for the Motion as follows: Defendants' Opposition to the Motion shall be due on or before

STIPULATION AND [PROPOSED] ORDER REGARDING BRIEFING SCHEDULE ON PLAINTIFF'S MOTION
 FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT

MASTER DOCKET: 04-1648-MMC/RELATES TO: 07-1057-MMC

1 October 28, 2008; and Plaintiff's Reply in Support of the Motion shall be due on or before November
2 12, 2008;

3 **WHEREAS**, in addition to the Motion, the Court currently has pending before it a
4 determination of whether a suggestion of remand to the JPML is appropriate and has deferred ruling
5 on Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint pending that determination;
6 and

7 **WHEREAS**, the parties respectfully request that the Court defer setting a hearing date for the
8 Motion until such time as the Court makes its determination as to whether a suggestion of remand to
9 the JPML is appropriate.

10 **IT IS THEREFORE AGREED AND STIPULATED THAT:**

11 The Parties propose that: (1) Defendants' Opposition to the Motion be due on or before
12 October 28, 2008; (2) Plaintiff's Reply in Support of the Motion be due on or before November 12,
13 2008; and (3) the hearing on the Motion be deferred until after the Court makes its determination as
14 to whether a suggestion of remand to the JPML is appropriate.

15 **[PROPOSED] ORDER OF THE COURT**

16 PURSUANT TO STIPULATION, IT IS ORDERED

17
18 DATED: October 8, 2008

19 
20 U.S. District Court Judge

21
22 Respectfully submitted,

23 DATED: October 8, 2008

24 GIBSON, DUNN & CRUTCHER LLP

25 By: /s/
26 Andrew Z. Edelstein

27 Attorneys for Defendants
28 FLEXSYS AMERICA L.P. and FLEXSYS N.V.

1
2 DATED: October 8, 2008

HELLER EHRMAN LLP
WILLIAM H. FORMAN, SBN 150477
william.forman@hellerehrman.com
JEFFREY A. RICHMOND, SBN 155808
jeff.richmond@hellerehrman.com
HELEN H. CHO, SBN 240531
helen.cho@hellerehrman.com
BETHANY L. MARVIN, SBN 245672
bethany.marvin@hellerehrman.com
355 South Hope Street
Los Angeles, CA 90071-3043
Telephone: (213) 689-0200
Facsimile: (213) 614-1868

9
10 By: _____/s/
William H. Forman

11 ROBERT G. BADAL
12 Robert.badal@wilmerhale.com
13 WILMER CUTLER PICKERING
14 HALE & DOOR LLP
15 350 South Grand Avenue, Suite 2100
16 Los Angeles CA 90071
17 Telephone: (213) 443-5300
18 Facsimile: (213) 443-5400

Attorneys for Plaintiff
KOREA KUMHO PETROCHEMICAL CO., LTD.

19 Per General Order No. 45, Rule X, I hereby attest that concurrence in the filing of this
20 document has been obtained from William H. Forman.

21 By: _____/s/
Andrew Z. Edelstein

100534192_1.DOC