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13 Attorneys for Defendants

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**

17 PETER RUDOLPH, individually and on  
 18 behalf of all others similarly situated,

19 Plaintiff,

20 vs.

21 UTSTARCOM, HONG LIANG LU, YING  
 22 WU, MICHAEL SOPHIE, FRANCIS  
 23 BARTON, AND THOMAS TOY,

24 Defendants.

Case No. 3:07-CV-04578-SI

**JOINT STIPULATION AND**  
**[PROPOSED] ORDER STAYING**  
**PLAINTIFFS' MOTION FOR CLASS**  
**CERTIFICATION**

1 WHEREAS, on March 13, 2009, Lead Plaintiff James R. Bartholomew  
2 (“Bartholomew”) filed his Motion for Class Certification Pursuant to Fed. R. Civ. P. 23  
3 (corrected version filed on March 16, 2009) (“class certification motion”);

4 WHEREAS, the class certification motion is presently set for hearing before this Court  
5 on April 24, 2009;

6 WHEREAS, the parties have agreed in principle to a settlement of this action, pending  
7 the Court’s preliminary and final approval (“settlement”);

8 WHEREAS, in light of the settlement, the parties request that the Court stay  
9 consideration of the class certification motion pending a forthcoming motion for preliminary  
10 approval of settlement and certification of a settlement class;

11 WHEREAS, the parties intend to submit the proposed settlement for preliminary  
12 approval by May 14, 2009, with a proposed hearing date to consider preliminary approval of  
13 the settlement on or about June 19, 2009;

14 NOW THEREFORE, the parties respectfully request, for good cause shown, that the  
15 Court stay consideration of the class certification motion pending a forthcoming motion for  
16 preliminary approval of settlement and certification of a settlement class.

17 Dated: April 13, 2009

FINKELSTEIN THOMPSON LLP

18 By: /s/ Mark Punzalan  
Mark Punzalan

19 *Counsel for Plaintiffs*

20  
21 Dated: April 13, 2009

WILSON SONSINI GOODRICH & ROSATI

22 By: /s/ Bahram Seyedin-Noor  
Bahram Seyedin-Noor

23 *Attorneys for Defendants*

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**[PROPOSED] ORDER**

IT IS HEREBY ORDERED THAT:

Plaintiff's motion for class certification is STAYED pending a forthcoming motion for preliminary approval of settlement and certification of a settlement class. The parties shall submit a motion for preliminary approval of settlement by May 14, 2009, and the hearing for such motion shall be set for June 19, 2009.

IT IS SO ORDERED.



Date: 4/14/09

\_\_\_\_\_  
The Honorable Susan Illston  
United States District Court Judge

I, Mark Punzalan, am the ECF User whose identification and password are being used to file the Joint Stipulation and [Proposed] Order Regarding Plaintiffs' Motion For Class Certification. I hereby attest that Bahram Seyedin-Noor has concurred in this filing.

Dated: April 13, 2009

FINKELSTEIN THOMPSON LLP

By: /s/ Mark Punzalan  
Mark Punzalan

Attorney for Lead Plaintiff