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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re LDK SOLAR SECURITIES
LITIGATION.

No. C 07-05182 WHA

_____/

This Document Relates To:

ALL ACTIONS.

_____/

**ORDER RE MOTION TO
APPROVE FORM OF CLASS
NOTICE, PLAN OF NOTICE
AND NOTICE ADMINISTRATOR**

In this securities action, an order dated January, 28, 2009, granted plaintiff’s motion for class certification. The parties were directed jointly to propose a form of class notice and notice plan. Lead plaintiff now moves for approval of the proposed form of notice, plan of distribution and proposed notice administrator. The motion indicates that defendants agree to the proposed form of notice but take no position on plaintiff’s plan of distribution or request for approval of notice administrator.

Defendants have petitioned the Ninth Circuit for leave to file an interlocutory appeal of the order granting class certification, as permitted by FRCP 23(f).¹ Under the Federal Rules, “[a]n appeal does not stay proceedings in the district court unless the district judge or the court of appeals so orders.” *Ibid.* Defendants have not requested a stay of the proceedings, and plaintiff seeks present approval of the proposed form of notice and plan of distribution. Both sides, however, agree that the notice should not actually be mailed until the Ninth Circuit

¹ FRCP 23(f) states: “A court of appeals may permit an appeal from an order granting or denying class-action certification under this rule if a petition for permission to appeal is [timely] filed.”

1 decides whether or not defendants may file an interlocutory appeal — otherwise, a
2 supplemental notice to the class could become necessary which would create a risk of confusion
3 to the class and increase the cost of litigation.

4 The proposed form of notice and plan of distribution are hereby **APPROVED**. The notice
5 and plan of distribution, as described in the motion, constitute the best notice that is practicable
6 under the circumstances. The proposed notice administrator is also approved.

7 If defendants’ request for leave to appeal is *denied*, plaintiff shall distribute the class
8 notice within **TWENTY CALENDAR DAYS** of the date of the entry of the appellate order so ruling.
9 If defendants’ request for leave to appeal is *granted*, the parties should notify the Court within
10 **SEVEN CALENDAR DAYS** of the entry of the appellate order so ruling and indicate whether, in
11 their view, the case should be stayed pending the appeal.

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IT IS SO ORDERED.

Dated: March 9, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE