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 11 AU Optronics Corporation and
 12 AU Optronics Corporation America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

15 IN RE: TFT-LCD (FLAT PANEL)
 16 ANTITRUST LITIGATION

17 CASE NO. 3:07-md-1827 SI
 18 MDL No. 1827

19 THIS DOCUMENT RELATES TO:

20 *AT&T Mobility LLC et al v. AU Optronics*
 21 *Corporation, et al.*, Case No. 09-cv-4997

22 *Best Buy Co., Inc., et al. v. AU Optronics*
 23 *Corporation, et al.*, Case No. 10-cv-4572

24 *Costco Wholesale Corporation v. AU Optronics*
 25 *Corporation, et al.*, Case No. 11-cv-0058

26 *Dell Inc. et al. v. Sharp Corporation, et al.*,
 27 Case No. 10-cv-1064

28 *Eastman Kodak Company v. Epson Imaging*
Devices Corporation, et al., Case No. 10-cv-5452

Electrograph Systems, Inc., et al. v. Epson Imaging
Devices Corp., et al., Case No. 10-cv-0117

Motorola, Inc. v. AU Optronics Corporation, et al.,
 Case No. 09-cv-5840

Target Corp. et al. v. AU Optronics Corporation,
et al., Case No. 10-cv-4945

TracFone Wireless, Inc. v. AU Optronics
Corporation, et al., Case No. 10-cv-3205

**STIPULATION AND ORDER TO
 MODIFY NOVEMBER 13, 2009 ORDER
 RE DEPONENTS ASSERTING THE
 FIFTH AMENDMENT PRIVILEGE
 AGAINST SELF-INCRIMINATION**

1 WHEREAS the Court previously entered its November 13, 2009 Order re Deponents Asserting
2 the Fifth Amendment Privilege Against Self-Incrimination as Docket No. 1381 (hereafter
3 “November 13, 2009 Order”);

4 WHEREAS plaintiffs have taken civil depositions of six present and former employees and
5 officers of AUO or AUOA in which each of those individuals asserted his or her right not to testify
6 under the Fifth Amendment of the United States Constitution;

7 WHEREAS a superseding indictment was returned on June 10, 2010 against AU Optronics
8 Corporation (“AUO”) and AU Optronics Corporation America (“AUOA”), among others, in Case
9 No. CR-09-0110-SI (“the Criminal Case”);

10 WHEREAS the Court has scheduled a trial date of January 9, 2012 in the Criminal Case and has
11 scheduled a trial date of November 5, 2012 for certain Direct Action and Attorney General cases in the
12 above-captioned MDL proceeding and has scheduled other pretrial deadlines in those proceedings;

13 WHEREAS, upon stipulation of the class plaintiffs and the AUO defendants, the Court on
14 December 8, 2010 entered an Order to Modify November 13, 2009 Order re Deponents Asserting the
15 Fifth Amendment Privilege Against Self-Incrimination which was docketed as Docket No. 2192;

16 WHEREAS, the Direct Action Plaintiffs and defendants AUO and AUOA seek to provide for the
17 orderly completion of deposition discovery in the above-captioned proceedings and also to coordinate
18 between the parallel civil and criminal proceedings;

19 IT IS HEREBY STIPULATED AND AGREED by the Direct Action Plaintiffs and defendants
20 AUO and AUOA, by and through their undersigned liaison counsel and counsel and subject to the
21 concurrence of the Court, that the November 13, 2009 Order is hereby modified as follows:

22 1. Any present officer or employee of AUO or AUOA, or any former officer or employee of
23 AUO or AUOA who remains represented by the below-signed counsel for AUO and AUOA, who at
24 deposition asserts or has asserted his or her right under the Fifth Amendment of the United States
25 Constitution not to testify will be bound by that assertion of the privilege in the trial of the above-
26 captioned cases and shall not be permitted to testify at trial unless, not later than December 9, 2011 (or
27 in the event that the trial date in the Criminal Case is continued and provided that the Criminal Case is
28 still to be tried before the above-captioned cases, 30 days before such continued trial date), notice is

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Attestation: Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from each of the signatories.

IT IS SO ORDERED.

Dated: 11/17/11



The Honorable Susan Illston
United States District Judge