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12 Attorneys for Plaintiffs

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

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

Master File No. 3:07-MD-1827 SI
MDL No. 1827

Case No. 3:10-CV-4572 SI

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19 This Document Relates to Individual Case No.
3:10-CV-4572-SI:

The Honorable Susan Y. Illston

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21 BEST BUY CO., INC.; BEST BUY
PURCHASING LLC; BEST BUY
22 ENTERPRISE SERVICES, INC.; BEST BUY
STORES, L.P.; BESTBUY.COM, L.L.C.; and
23 MAGNOLIA HI-FI, INC.,

Plaintiffs,

24 v.

25 AU OPTRONICS CORP.; AU OPTRONICS
CORPORATION AMERICA; CHI MEI
26 CORP.; CHI MEI OPTOELECTRONICS
CORP. (N.K.A. CHIMEI INNOLUX
27 CORPORATION); CHI MEI
OPTOELECTRONICS, USA, INC.;
28 CHUNGHWA PICTURE TUBES, LTD.;

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING THIRD PARTY
DISCOVERY OF TOSHIBA
AMERICA INFORMATION
SYSTEMS, INC. AND THEIR
EMPLOYEES AND FACT
DISCOVERY CUT-OFF**

1 CMO JAPAN CO., LTD.; EPSON
2 ELECTRONICS AMERICA, INC.; EPSON
3 IMAGING DEVICES CORPORATION;
4 HANNSTAR DISPLAY CORP; HITACHI
5 DISPLAYS, LTD.; HITACHI ELECTRONIC
6 DEVICES (USA), INC.; HITACHI, LTD.; LG
7 DISPLAY CO., LTD.; LG DISPLAY
8 AMERICA, INC.; NEXGEN MEDIATECH
9 USA, INC.; NEXGEN MEDIATECH, INC.;
10 SHARP CORP.; SHARP ELECTRONICS
11 CORP.; TATUNG COMPANY OF
12 AMERICA, INC.,

Defendants.

13 Plaintiffs BEST BUY CO., INC.; BEST BUY PURCHASING LLC; BEST BUY
14 ENTERPRISE SERVICES, INC.; BEST BUY STORES, L.P.; BESTBUY.COM, L.L.C.; and
15 MAGNOLIA HI-FI, INC., (“Best Buy”) and Third Party TOSHIBA AMERICA
16 INFORMATION SYSTEMS, INC. (“TAIS”) collectively referred to as the “Parties” by and
17 through their respective undersigned counsel, hereby stipulate and agree as follows:

18 WHEREAS the fact discovery cut-off in the Direct Action Plaintiffs’ track one cases is
19 December 8, 2011;

20 WHEREAS on November 29, 2011, Best Buy notified counsel for TAIS of its intent to
21 seek the production of documents from TAIS and to serve subpoenas for the production of
22 documents and for the depositions of TAIS employees Mark Simons, Terry Cronin, Kurt
23 Skillman, and Dave Anderson, and former TAIS employee Howard McBride, and on December
24 1, 2011, counsel for TAIS agreed to accept service of any subpoenas on their behalf;

25 WHEREAS on December 1, 2011, Best Buy indicated its intention to serve a third-party
26 subpoena for the production of documents and for the deposition of TAIS employee Barry
27 Schwartz, and counsel for TAIS agreed to accept service of any subpoena on his behalf;

28 WHEREAS on November 29, 2011, Best Buy notified counsel for TAIS of its intent to
depose former TAIS employee Matt Weiss;

WHEREAS Best Buy requested confirmation from counsel for TAIS regarding whether
they would accept service on behalf of former TAIS employee Mr. Weiss;

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WHEREAS counsel for TAIS on December 5, 2011 indicated that they will accept service on behalf of Mr. Weiss, and Best Buy served a subpoena for the production of documents from and deposition of Matt Weiss on counsel for TAIS on December 6, 2011;

WHEREAS counsel for Best Buy has informed counsel for TAIS that the need only recently arose for the depositions of the TAIS employees Mark Simons, Terry Cronin, Kurt Skillman, Dave Anderson, and Barry Schwartz and of former TAIS employees Howard McBride and Matt Weiss based documents produced in the above-captioned litigation;

WHEREAS the Parties are working together to reach an agreement regarding the timing and scope of the aforementioned depositions;

THEREFORE, Best Buy, by its counsel, and TAIS, by its counsel, stipulate and agree as follows:

1. The fact discovery cut-off date of December 8, 2011 set forth in the Order Modifying Pretrial Schedule for “Track One” Direct Action Plaintiff and State Attorney General Cases (MDL Dkt. No. 3110) is extended up to and including January 31, 2012, solely as to the potential depositions of TAIS employees Mark Simons, Terry Cronin, Kurt Skillman, , Dave Anderson, and Barry Schwartz and of former TAIS employees Howard McBride and Matt Weiss and for the production of documents pursuant to the subpoenas served on TAIS and TAIS employees Mark Simons, Terry Cronin, Kurt Skillman, Dave Anderson, and Barry Schwartz and on former TAIS employees Howard McBride and Matt Weiss.
2. This Stipulation does not constitute an agreement by the parties as to any the necessity of any individual deposition. The parties reserve all rights to pursue or object to the depositions on the merits.

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IT IS SO STIPULATED.

DATED: December 8, 2011

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: /s/ David Martinez
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David Martinez
Lauren E. Wood
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BEST BUY CO., INC.; BEST BUY
PURCHASING LLC; BEST BUY ENTERPRISE
SERVICES, INC.; BEST BUY STORES, L.P.;
BESTBUY.COM, L.L.C. and MAGNOLIA HI-
FI, INC.

DATED: December 8, 2011

WHITE & CASE L.L.P.

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Attorneys for Third Party
TOSHIBA AMERICA INFORMATION
SYSTEMS INC.

ATTESTATION: Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from stipulating third parties.

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IT IS SO ORDERED.

Dated: 12/12, 2011



Hon. Susan Illston, United States District Judge