

Harrison J. Frahn IV (SBN 206822)
hfrahn@stblaw.com
SIMPSON THACHER & BARTLETT LLP
2550 Hanover Street
Palo Alto, CA 94304
Telephone: (650) 251-5000
Facsimile: (650) 251-5002

Attorneys for Defendants 4545
Chi Mei Optoelectronics Corporation,
Chi Mei Optoelectronics USA, Inc., and
CMO Japan Co., Ltd.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

CASE NO. 3:11-cv-00711-SI

MDL NO. 3:07-md-1827-SI

This Document Relates to Individual
Case No. 3:11-cv-00711-SI

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING TIME TO
RESPOND TO AMENDED COMPLAINT**

THE STATE OF NEW YORK,

Plaintiff,

vs.

AU OPTRONICS CORPORATION, *et al.*,

Defendants.

1 The undersigned counsel, on behalf of their respective clients, hereby respectfully request
2 an extension of the deadline for Defendants Chimei Innolux Corporation (f/k/a Chi Mei
3 Optoelectronics Corporation), Chi Mei Optoelectronics USA, Inc., and CMO Japan Co., Ltd.
4 (collectively, the “Chi Mei Defendants”), and Defendants Hitachi, Ltd., Hitachi Displays, Ltd., and
5 Hitachi Electronic Devices (USA), Inc. (collectively, the “Hitachi Defendants”), to respond to the
6 amended complaint filed by Plaintiff State of New York on March 15, 2011, in the above-captioned
7 litigation (the “Amended Complaint”).

8 WHEREAS the Chi Mei Defendants and Hitachi Defendants, jointly with other Defendants
9 in this action, filed a motion to dismiss the Amended Complaint on May 5, 2011;

10 WHEREAS the Court entered an order granting in part and denying in part Defendants’
11 joint motion to dismiss the Amended Complaint on August 9, 2011 (the “August 9, 2011 Order”);

12 WHEREAS on August 25, 2011, the Court entered an order extending Defendants’ deadline
13 to answer the Amended Complaint to September 14, 2011;

14 WHEREAS on September 14, 2011, the Court entered an order extending Defendants’
15 deadline to answer the Amended Complaint to October 25, 2011;

16 WHEREAS on October 21, 2011, Plaintiff, the Chi Mei Defendants, and the Hitachi
17 Defendants filed a joint stipulation to extend the Chi Mei and Hitachi Defendants’ deadline to
18 answer the Amended Complaint to November 22, 2011;

19 WHEREAS on October 26, 2011, the Court entered an order modifying the pretrial and trial
20 schedule in the above-captioned litigation;

21 WHEREAS on November 15, 2011, the Court entered an order (i) granting Plaintiff’s
22 motion for leave to file a motion for reconsideration and (ii) granting in part and denying in part
23 reconsideration of the August 9, 2011 Order.

24 WHEREAS on November 23, 2011, the Court entered an order extending the Chi Mei and
25 Hitachi Defendants’ deadline to answer the Amended Complaint to December 9, 2011;

26 WHEREAS on December 15, 2011, the Court entered an order extending the Chi Mei and
27 Hitachi Defendants’ deadline to answer the Amended Complaint to January 13, 2012;

1 WHEREAS Plaintiff State of New York, on the one hand, and the Chi Mei and Hitachi
2 Defendants, on the other, have agreed to a settlement in principle of the above-captioned litigation
3 and have now memorialized their respective settlements;

4 WHEREAS on December 23, 2011, Plaintiff State of New York joined in a motion seeking
5 preliminary approval of its settlements with the Chi Mei Defendants and the Hitachi Defendants;

6 WHEREAS on December 27, 2011, the Court entered an order advancing the date on the
7 hearing of the preliminary approval motion to January 20, 2012;

8 WHEREAS the parties would benefit from an extension of time to answer as the Court
9 considers the preliminary approval motion;

10 WHEREAS further extending the time for the Chi Mei Defendants and Hitachi Defendants
11 to answer the Amended Complaint would not alter the date of any other event or deadline already
12 fixed by the Court;

13 THEREFORE, Plaintiff State of New York and the Chi Mei Defendants and Hitachi
14 Defendants, by their respective counsel, stipulate and agree as follows:

15 The Chi Mei Defendants and Hitachi Defendants will have until February 7, 2012 to answer
16 the Amended Complaint.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28

1 Dated: January 12, 2012

Respectfully submitted,

2
3 ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

4 By: /s/ Richard L. Schwartz
5 Richard L. Schwartz

6 Richard L. Schwartz*
7 Acting Bureau Chief, Antitrust Bureau
8 Amy McFarlane*
Assistant Attorney General
9 120 Broadway, 26th Floor
New York, New York 10271
10 (212) 416-8282 (voice)
(212) 416-6015 (fax)
11 Richard.Schwartz@ag.ny.gov

12 *Attorneys for Plaintiff State of New York*

13 * Automatic *Pro Hac Vice* Admission Pursuant to Pretrial
14 Order No. 1, Dated July 3, 2007 (Waiving Civil L.R. 11-3)

15 SIMPSON THACHER & BARTLETT LLP

16 By: /s/ Harrison J. Frahn IV
17 Harrison J. Frahn IV

18 Harrison J. Frahn IV (SBN 206822)
19 hfrahn@stblaw.com
SIMPSON THACHER & BARTLETT LLP
20 2550 Hanover Street
Palo Alto, CA 94304
21 Telephone: (650) 251-5000
Facsimile: (650) 251-5002

22 *Attorneys for Defendants*
23 *Chi Mei Optoelectronics Corporation,*
24 *Chi Mei Optoelectronics USA, Inc., and*
CMO Japan Co., Ltd.

25 MORGAN LEWIS & BOCKIUS LLP

26
27 By: /s/ Kent M. Roger
28 Kent M. Roger (SBN 95987)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Kent M. Roger (SBN 95987)
One Market, Spear Street Tower
San Francisco, California 94105
Telephone: (415) 442-1001
Facsimile: (415) 442-1001

*Attorney for Defendants Hitachi, Ltd., Hitachi
Displays, Ltd., and Hitachi Electronic Devices
(USA), Inc.*

1 Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this
2 document has been obtained from all parties whose signatures are indicated by a “confirmed”
3 signature (/s/) within this e-filed document.

4
5 Dated: January 12, 2012

/s/ Harrison J. Frahn IV

6 Harrison J. Frahn IV (SBN 206822)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Having considered the foregoing stipulation, and for good cause appearing, IT IS SO ORDERED.

Dated: 1/12, 2012

By 

HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE