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11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

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

CASE NO. 3:11-cv-00711 SI

Case No. M 07-md-01827 SI

18 MDL No. 1827

19
 20 This Document Relates to Individual Case
 No. 11-cv-00711 SI:

**STIPULATION REGARDING EFFECT OF
 COURT'S PRIOR RULINGS ON NEW
 YORK'S SECOND AMENDED
 COMPLAINT AND EXTENSION OF TIME
 FOR DEFENDANTS TO RESPOND TO
 NEW YORK'S SECOND AMENDED
 COMPLAINT AND [~~PROPOSED~~] ORDER**

21 STATE OF NEW YORK,

22 Plaintiff,

23 v.

Judge: Honorable Susan Y. Illston

24 AU OPTRONICS CORPORATION, et al.,

25 Defendants.

1 Plaintiff State of New York and Defendants party to the above-captioned action
2 (collectively, “Parties”) hereby stipulate as follows:

3 **STIPULATION**

4 WHEREAS the Court previously entered its Order Granting in Part and Denying in Part
5 Defendants’ Motion to Dismiss on August 9, 2011 (Master Docket No. 3242) (“MTD Order”),
6 which Motion was directed to New York’s First Amended Complaint;

7 WHEREAS the Court has also previously entered its Order Granting New York’s Motion
8 for Leave to File Motion for Reconsideration and Granting in Part Reconsideration on
9 November 15, 2011 (Master Docket No. 4144) (“Reconsideration Order”);

10 WHEREAS New York reserves its rights, including its right of appeal, with respect to
11 those claims or branches of claims dismissed by the MTD Order;

12 WHEREAS New York subsequently filed its Second Amended Complaint (Master
13 Docket No. 4763) (“the Second Amended Complaint”) on February 3, 2012;

14 WHEREAS, the sole amendment which New York made to its complaint concerned its
15 basis for asserting claims on behalf of certain non-State public entities pursuant to Section 342-b
16 of the New York General Business Law, and in all other respects New York’s complaint is
17 unaltered;

18 WHEREAS, the parties wish to clarify that the Court’s prior rulings in its MTD Order
19 apply to New York’s Second Amended Complaint, and to extend defendants’ time to file answers
20 to it;

21 WHEREAS the Parties have conferred regarding the Second Amended Complaint;

22 NOW, THEREFORE, the Parties, through their undersigned respective counsel, stipulate
23 and request that the Court order as follows:

24 1. That the defendants have until March 16, 2012 to file their answers to the Second
25 Amended Complaint;

26 2. That the Court’s prior orders, Master Docket No. 3242 and Master Docket No. 4144,
27 apply to the Second Amended Complaint, and specifically,
28

1 (a) That, by its MTD Order, the Court dismissed New York's Donnelly Act
2 *parens patriae* damages claims, and adhered to that holding in the Reconsideration Order;

3 (b) That New York, in its opposition to Defendants' May 5, 2011 Motion to
4 Dismiss, withdrew its pre-December 23, 1998 Donnelly Act indirect purchaser claims;

5 (c) That, by its MTD Order, the Court dismissed those New York assigned claims
6 concerning master purchase agreements without a New York choice-of-law provision.

7 DATED: March 7, 2012

HOLLY A. HOUSE
KEVIN C. McCANN
LEE F. BERGER
PAUL HASTINGS LLP

10 By: _____ /s/ Lee F. Berger
11 Lee F. Berger

12 Attorneys for Defendants
LG Display Co., Ltd. and LG Display America, Inc.

13 With the approval of counsel for AU Optronics
14 Corporation; AU Optronics Corporation America; Toshiba
15 Corporation; Toshiba Mobile Display Co., Ltd.; Toshiba
America Electronic Components, Inc.; Toshiba America
Information Systems, Inc.

16 DATED: March 7, 2012

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

18 By: _____ /s/ Amy McFarlane
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26 *Automatic Pro Hac Vice Admission Pursuant to Pretrial
27 Order No. 1, Dated July 3, 2007 (Waiving Civil
28 L.R. 11-3)

Attestation: The filer of this document attests that the concurrence of the other signatories thereto
has been obtained.

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[PROPOSED] ORDER

IT IS SO ORDERED.

DATED: 3/8, 2012



Hon. Susan Illston
United States District Judge