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17 *Counsel for Plaintiff T-Mobile U.S.A., Inc.*

18 [Additional counsel listed on signature pages]

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

21 IN RE TFT-LCD (FLAT PANEL)
 22 ANTITRUST LITIGATION

23 Master File No. C M:07-01827 SI
 24 MDL NO. 1827

25 This Document Relates to:

26 *Interbond Corporation of America v. AU*
 27 *Optronics Corporation, et al.*, Case No.
 28 3:11-cv-03763 SI

Jaco Electronics, Inc. v. AU Optronics
Corporation, et al., Case No. 3:11-cv-02495 SI,

Office Depot, Inc. v. AU Optronics
Corporation, et al., Case No. 3:11-cv-02225 SI

P.C. Richard & Son Long Island Corporation,
et al. v. AU Optronics Corporation, et al.,
 Case No. 3:11-cv-04119 SI

T-Mobile U.S.A., Inc. v. AU Optronics
Corporation, et al., Case No 3:11-cv-02591 SI

DECLARATION OF
JASON C. RUBINSTEIN
IN SUPPORT OF DIRECT ACTION
PLAINTIFFS' MOTION TO
DISMISS DEFENDANTS LG
DISPLAY AMERICA, INC. AND LG
DISPLAY CO., LTD.'S
COUNTERCLAIMS AND STRIKE
THEIR DEFENSES CONCERNING
DUPLICATIVE RECOVERY

Date: September 7, 2012
 Time: 9:00 AM
 Location: Courtroom 10, 19th Floor
 450 Golden Gate Ave.
 San Francisco, CA 94102

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2 JASON C. RUBINSTEIN declares, pursuant to 28 U.S.C. § 1746, as follows:

3 1. I am admitted *pro hac vice* to this Court and am a member of Friedman Kaplan
4 Seiler & Adelman LLP, attorneys for plaintiff T-Mobile USA, Inc. (“T-Mobile”). I submit this
5 declaration to place before the Court certain facts referenced in the Direct Action Plaintiffs’
6 Motion to Dismiss Defendants LG Display America, Inc. and LG Display Co. Ltd.’s
7 (collectively, “LG Display”) Counterclaims and Strike their Defenses Concerning Duplicative
8 Recovery.
9

10 2. On June 5, 2012, after the Court rejected LG Display’s motion for leave to amend
11 its answers in certain cases brought by other direct action plaintiffs in this multidistrict litigation
12 (Dkt. No. 5795), counsel for Jaco Electronics, Inc. and I spoke with counsel for LG Display
13 about the prospect of LG Display’s voluntarily dismissing its counterclaims and defenses
14 concerning the issue of duplicative recovery. Counsel for LG Display expressed concern that
15 LG Display would not be able to preserve for appeal its arguments on this point if it stipulated to
16 the dismissal of its counterclaims and defenses or agreed to a form of order that achieved the
17 same result, but agreed to consider the matter further.
18

19 3. On June 18, 2012, I and counsel for certain of the other plaintiffs in the above-
20 captioned cases again spoke with counsel for LG Display. Repeating their concerns about
21 preserving for appeal LG Display’s duplicative recovery counterclaims and defenses, LG
22 Display’s counsel confirmed that LG Display would be unwilling to voluntarily dismiss its
23 counterclaims and strike its defenses concerning duplicative recovery.
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on July 19, 2012 at New York, New York.

4 /s/ Jason C. Rubinstein
5 _____
6 JASON C. RUBINSTEIN
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