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November 20, 2012

VIA OVERNIGHT DELIVERY AND ELECTRONIC CASE FILING

Honorable Susan Illston, Judge  
United States District Court, N.D. California  
450 Golden Gate Avenue  
Courtroom 10, 19th Floor  
San Francisco, CA 94102

Re: *In re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL No. 3:07-md-1827-SI;  
Individual Case No. 10-cv-1064-SI

Your Honor:

Per the Court's instructions at the November 7, 2012 CMC, defendants and plaintiffs have discussed the process for filing summary judgment motions in the Track 2 cases, and now submit the following proposal for the Court's consideration.

The Track 2 schedule (like the class and Track 1 schedules before it) includes disclosure dates for the parties to "provide one paragraph description[s] of each issue/subject of summary judgment motions." (*See* Stipulated Order re Revised Pretrial Schedule For Track 2 Cases, MDL ECF No. 7139.) Experience has taught us, however, that these disclosures have not provided the Court or the parties with meaningful guidance regarding the scheduling of summary judgment motions.

The parties have therefore met and conferred and now jointly propose amendments to the Track 2 pretrial order to make the summary judgment disclosures more meaningful. The amendments are set forth in the attached Proposed Order. Specifically, the parties agree that following an initial exchange of the required descriptions of proposed summary judgment motions, the parties will jointly meet and confer in good faith regarding the proposed motions, and thereafter submit to the Court a joint proposed list of summary judgment motions they expect to file, together with a schedule for briefing and hearing on those motions. Any disputes concerning proposed motions or the schedule can be

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presented to the Court at that time, but we emphasize that the goal is to make a joint submission of proposed motions to the Court in an effort to minimize disputes. At the close of expert discovery, the parties would have an opportunity to supplement the joint list of summary judgment motions to include summary judgment issues based upon new information or issues raised in the reply expert reports.

By requiring the parties to meet and confer in good faith regarding the substance and schedule of the proposed motions and to provide the Court with a plan specifying the number and schedule for proposed motions, we believe this process will avoid the filing of duplicative motions, will allow the parties to identify motions that may be resolved by stipulation, will assist the Court in establishing an orderly and predictable schedule, and will allow the Court to resolve motions more efficiently. The parties confirm that, without waiving any rights of appeal any party may otherwise have, they will use their best efforts to ensure that the Court is not burdened by any motions that have already been filed and resolved on Track 1.

We therefore respectfully request that the Court enter the attached Proposed Order modifying the summary judgment process for Track 2.

Respectfully Submitted,

Respectfully Submitted,

/s/ Derek F. Foran

/s/ Jason C. Murray

*On behalf of all Track 2  
Defendants*

*On behalf of all Track 2  
Plaintiffs*