

1 William A. Isaacson (admitted *pro hac vice*)  
 2 BOIES, SCHILLER & FLEXNER LLP  
 3 5301 Wisconsin Ave. NW, Suite 800  
 4 Washington, D.C. 20015  
 Telephone: (202) 237-2727  
 Facsimile: (202) 237-6131  
 Email: wisaacson@bsfllp.com

5 Philip J. Iovieno (admitted *pro hac vice*)  
 6 Anne M. Nardacci (admitted *pro hac vice*)  
 7 Christopher V. Fenlon (admitted *pro hac vice*)  
 8 BOIES, SCHILLER & FLEXNER LLP  
 9 10 North Pearl Street, 4th Floor  
 Albany, NY 12207  
 Telephone: (518) 434-0600  
 Facsimile: (518) 434-0665  
 Email: piovieno@bsfllp.com  
 anardacci@bsfllp.com  
 cfenlon@bsfllp.com

11 Counsel for Plaintiff  
 12 SCHULTZE AGENCY SERVICES, LLC

13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**

16 In re: TFT-LCD (FLAT PANEL)  
 17 ANTITRUST LITIGATION

18 This Document Relates To Individual Case No.  
 19 3:11-cv-03856-SI (N.D. Cal.)

20 SCHULTZE AGENCY SERVICES, LLC on  
 21 behalf of TWEETER OPCO, LLC AND  
 22 TWEETER NEWCO, LLC

23 Plaintiff,

24 vs.

25 AU OPTRONICS CORPORATION, et al.,

26 Defendants.

Case No. 3:11-cv-03856-SI (N.D. Cal.)

Master File No. 3:07-md-01827-SI (N.D. Cal.)

MDL No. 1827

**STIPULATION AND [PROPOSED]**  
**ORDER WITHDRAWING JOINT**  
**MOTION TO DISMISS, NEC'S MOTION**  
**TO DISMISS, SANYO CE'S MOTION TO**  
**DISMISS, AND EXTENDING TIME TO**  
**RESPOND TO AMENDED COMPLAINT**

1 Plaintiff, Schultze Agency Services, LLC (“Plaintiff”), and Defendants, through the  
2 undersigned counsel, request that the Court enter the following order to withdraw (1) Defendants’  
3 Joint Motion to Dismiss Plaintiff’s complaint, (2) Defendants NEC Corporation, NEC Corporation  
4 of America, NEC Display Solutions of America, Inc., NEC Electronics America, Inc., and NEC  
5 LCD Technologies, Ltd.’s (“NEC”) Motion to Dismiss Plaintiff’s complaint, and (3) Defendant  
6 Sanyo Consumer Electronics, Co., Ltd.’s (“Sanyo CE”) Motion to Dismiss, and extend  
7 Defendants’ time to respond to the amended complaint that Plaintiff will file on or before  
8 December 6, 2011.

9 WHEREAS, on October 4, 2011, Plaintiff and Defendant Mitsui & Co. (Taiwan), Ltd.  
10 (“Mitsui Taiwan”) entered into a stipulation giving Mitsui Taiwan until December 1, 2011 to  
11 answer, move, or otherwise respond to Plaintiff’s complaint.

12 WHEREAS, on October 20, 2011, certain Defendants filed a joint motion to dismiss  
13 Plaintiff’s complaint in this action (MDL Dkt. No. 3973), and Defendants NEC and Sanyo CE  
14 filed separate motions to dismiss Plaintiff’s complaint (MDL Dkt. Nos. 3967 and 3974,  
15 respectively) (the “Motions”);

16 WHEREAS the hearing on the Motions is scheduled for December 2, 2011;

17 WHEREAS Plaintiff, although it opposes the Motions, will exercise its right under Federal  
18 Rule of Civil Procedure 15(a) to file a First Amended Complaint in lieu of filing an opposition to  
19 the Motions;

20 WHEREAS the parties agree that the briefing dates and hearing associated with the  
21 Motions should be withdrawn and that Plaintiff will file its First Amended Complaint after the  
22 existing deadline to file its oppositions to the Motions;

23 WHEREAS the parties further agree that Plaintiff may have until December 6, 2011 to file  
24 a First Amended Complaint and all Defendants may have until January 10, 2012 to respond to the  
25 First Amended Complaint, that Plaintiff may have until January 27, 2012 to oppose or otherwise  
26 respond to Defendants’ response, and that Defendants may have until February 10, 2012 to reply  
27 to such opposition;  
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WHEREAS the parties further agree that the hearing on any responses made by Defendants may be noticed for February 24, 2012;

WHEREAS the parties further agree that, in the alternative, the Defendants may have 60 days from the date the First Amended Complaint is filed to answer said complaint;

THEREFORE, Plaintiff, by its counsel, and Defendants, by the undersigned counsel, stipulate and agree as follows:

1. The Motions shall be withdrawn and the briefing schedule and hearing date stricken.
2. Plaintiff shall file a First Amended Complaint on or before December 6, 2011.
3. All Defendants shall respond to the First Amended Complaint by January 10, 2012.
4. Plaintiff shall oppose or otherwise respond to Defendants' filings by January 27, 2012.
5. Defendants shall submit any replies by February 10, 2012.
6. The hearing on any responses made by Defendants shall be noticed for February 24, 2012.
7. In the alternative, all Defendants shall have 60 days from the date the First Amended Complaint is filed to answer said Complaint.

**IT IS SO STIPULATED.**

1 DATED: November 3, 2011

/s/ William A. Isaacson

William A. Isaacson (admitted *pro hac vice*)  
BOIES, SCHILLER & FLEXNER LLP  
5301 Wisconsin Ave. NW, Suite 800  
Washington, D.C. 20015  
Telephone: (202) 237-2727  
Facsimile: (202) 237-6131  
Email: wisaacson@bsflp.com

Philip J. Iovieno (admitted *pro hac vice*)  
Anne M. Nardacci (admitted *pro hac vice*)  
Christopher V. Fenlon (admitted *pro hac vice*)  
BOIES, SCHILLER & FLEXNER LLP  
10 North Pearl Street, 4th Floor  
Albany, NY 12207  
Telephone: (518) 434-0600  
Facsimile: (518) 434-0665  
Email: piovieno@bsflp.com  
anardacci@bsflp.com  
cfenlon@bsflp.com

*Counsel for Plaintiff Schultze Agency Services, LLC*

/s/ Christopher A. Nedeau

Carl L. Blumenstein (CA Bar No. 124158)  
Christopher A. Nedeau (CA Bar No. 81297)  
NOSSAMAN LLP  
50 California Street, 34th Floor  
San Francisco, California 94111-4799  
Telephone: (415) 398-3600  
Facsimile: (415) 398-2438  
Email: cnedeau@nossaman.com  
cblumenstein@nossaman.com

*Counsel for Defendants AU Optronics Corporation and  
AU Optronics Corporation America*

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/s/ Neal A. Potischman

Christopher B. Hockett (SBN 121539)  
Neal A. Potischman (SBN 254862)  
Sandra West (SBN 250389)  
Samantha H. Knox (SBN 254427)  
Micah G. Block (SBN 270712)  
DAVIS POLK & WARDWELL LLP  
1600 El Camino Real  
Menlo Park, California 94025  
Telephone: (650) 752-2000  
Facsimile: (650) 752-2111  
Email: chris.hockett@davispolk.com  
neal.potischman@davispolk.com  
sandra.west@davispolk.com  
samantha.knox@davispolk.com  
micah.block@davispolk.com

Jonathan D. Martin (admitted pro hac vice)  
DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 701-5800  
Email: jonathan.martin@davispolk.com

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

*Counsel for Defendants Chimei Innolux Corporation  
(f/k/a Chi Mei Optoelectronics Corp.), Chi Mei  
Optoelectronics USA, Inc., and CMO Japan Co., Ltd.*

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/s/ Stephen P. Freccero

Melvin R. Goldman (CA Bar No. 34097)  
Stephen P. Freccero (CA Bar No. 131093)  
Derek F. Foran (CA Bar No. 224569)  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522  
Email: mgoldman@mofocom  
sfreccero@mofocom  
dforan@mofocom

*Counsel for Defendants Epson Electronics America, Inc.  
and Epson Imaging Devices Corporation*

/s/ Ramona M. Emerson

Hugh F. Bangasser (*pro hac vice*)  
Ramona M. Emerson (*pro hac vice*)  
K&L GATES LLP  
925 Fourth Avenue, Suite 2900  
Seattle, WA 98104  
Telephone: (206) 623-7580  
Facsimile: (206) 370-6371  
Email: hugh.bangasser@klgates.com  
ramona.emerson@klgates.com

Jeffrey L. Bornstein, (CA State Bar No. 99358)  
K&L GATES LLP  
Four Embarcadero Center, Suite 1200  
San Francisco, CA 94111  
Telephone: (415) 249-1059  
Facsimile: (415) 882-8220  
Email: jeffrey.bornstein@klgates.com

*Counsel for Defendant HannStar Display Corporation*

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/s/ Kent M. Roger

Kent M. Roger (CA Bar No. 95987)  
Michelle Kim-Szrom (CA Bar No. 252901)  
Jennifer L. Calvert (CA Bar No. 258018)  
MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1126  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001  
Email: kroger@morganlewis.com  
mkim-szrom@morganlewis.com  
jennifer.calvert@morganlewis.com

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

/s/ Kevin C. McCann

Holly House (SBN 136045)  
Kevin McCann (SBN 120874)  
Sean Unger (SBN 231694)  
PAUL HASTINGS LLP  
55 Second Street  
Twenty-Fourth Floor  
San Francisco, CA 94105-3441  
Email: hollyhouse@paulhastings.com  
kevinmccann@paulhastings.com  
seanunger@paulhastings.com

Michael R. Lazerwitz (*pro hac vice*)  
Lee F. Berger (SBN 222756)  
Jeremy J. Calsyn (SBN 205062)  
CLEARY GOTTLIEB STEEN & HAMILTON LLP  
One Liberty Plaza  
New York, NY 10006  
Telephone: (212) 225-2000  
Facsimile: (212) 225-3999  
Email: mlazerwitz@cgsh.com  
lberger@cgsh.com  
jcalsyn@cgsh.com

*Counsel for Defendants LG Display Co. Ltd.  
and LG Display America, Inc.*

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/s/ Michael E. Mumford

Paul P. Eyre  
Ernest E. Vargo  
Michael E. Mumford  
BAKER & HOSTETLER LLP  
1900 East 9th Street, Suite 3200  
Cleveland, OH 44114  
Telephone: (216) 621-0200  
Facsimile: (216) 696-0740  
Email: peyre@bakerlaw.com  
evargo@bakerlaw.com  
mmumford@bakerlaw.com

*Counsel for Defendants Mitsui and Co. (Taiwan), Ltd.,  
and Mitsui & Co. (U.S.A.), Inc.*

/s/ George Niespolo

George Niespolo (SBN 72107)  
Stephen Holbrook Sutro (SBN 172168)  
DUANE MORRIS LLP  
One Market Plaza, Spear Tower  
Suite 2000  
San Francisco, CA 94105  
Telephone: (415) 957-3000  
Facsimile: (415) 957-3001  
Email: gdniespolo@duanemorris.com  
shsutro@duanemorris.com

*Counsel for NEC Corporation, NEC Corporation of  
America, NEC Display Solutions of America, Inc., NEC  
Electronics America, Inc., and NEC LCD Technologies,  
Ltd.*

/s/ Robert D. Wick

Robert D. Wick (*pro hac vice*)  
Derek Ludwin (*pro hac vice*)  
Neil K. Roman (*pro hac vice*)  
COVINGTON & BURLING LLP  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 662-6000  
Facsimile: (202) 662-6291  
Email: dludwin@cov.com  
rwick@cov.com  
jdavidson@cov.com

*Counsel for Defendants Samsung  
Semiconductor, Inc., Samsung Electronics  
Co., Ltd., and Samsung Electronics America, Inc.*



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/s/ Allison A. Davis

Allison A. Davis (CA Bar No. 139203)  
DAVIS WRIGHT TREMAINE LLP  
505 Montgomery Street, Suite 800  
San Francisco, CA 94111-6533  
Telephone: (415) 276-6500  
Facsimile: (415) 276-6599  
Email: allisondavis@dwt.com

Nick S. Verwolf (*pro hac vice*)  
DAVIS WRIGHT TREMAINE LLP  
777 – 108<sup>th</sup> Ave. N.E., Suite 2300  
Bellevue, WA 98004  
Telephone: (425) 646-6125  
Facsimile: (425) 646-6199  
Email: nickverwolf@dwt.com

*Counsel for Defendant Sanyo Consumer Electronics Co., Ltd.*

/s/ Jacob R. Sorensen

John M. Grenfell (CA Bar No. 88500)  
Jacob R. Sorensen (CA Bar No. 209134)  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
50 Fremont Street  
San Francisco, CA 94105  
Telephone: (415) 983-1000  
Facsimile: (415) 983-1200  
Email: john.grenfell@pillsburylaw.com  
jake.sorensen@pillsburylaw.com

*Counsel for Defendants Sharp Corporation and Sharp  
Electronics Corporation*

/s/ Rachel S. Brass

Joel S. Sanders  
Rachel S. Brass  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-2933  
Telephone: (415) 393-8200  
Facsimile: (415) 393-8306  
Email: jsanders@gibsondunn.com  
rbrass@gibsondunn.com

*Counsel for Defendants Chunghwa Picture Tubes, Ltd.  
and Tatung Company of America, Inc.*

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/s/ John H. Chung

Christopher M. Curran (*pro hac vice*)  
John H. Chung (*pro hac vice*)  
Martin M. Toto (*pro hac vice*)  
Kristen J. McAhren (*pro hac vice*)  
WHITE & CASE LLP  
1155 Avenue of the Americas  
New York, NY 10036  
(212) 819-8200 (telephone)  
(212) 354-8111 (facsimile)  
ccuran@whitecase.com  
jchung@whitecase.com  
mtoto@whitecase.com  
kmcahren@whitecase.com

*Counsel for Defendants Toshiba Corporation, Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., and Toshiba Mobile Display Co., Ltd.*

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

**IT IS SO ORDERED.**

Dated: \_\_\_\_11/4\_\_\_\_, 2011



Susan Illston, United States District Judge