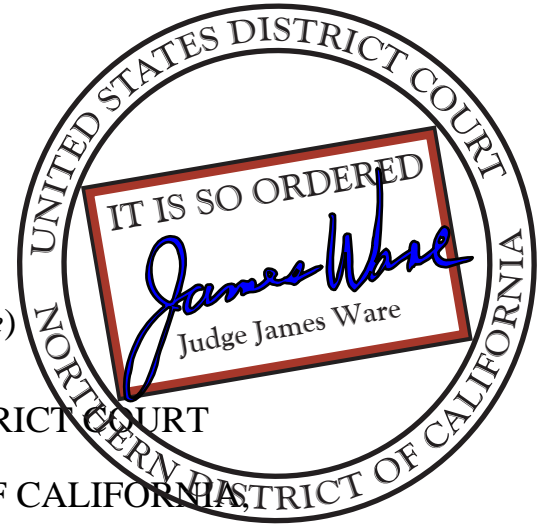


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LATHAM & WATKINS LLP
Daniel M. Wall (State Bar No. 102580)
505 Montgomery Street, Ste. 2000
San Francisco, CA 94111-6538
Telephone: (415) 391-0600
Facsimile: (415) 395-8095
dan.wall@lw.com

Attorney for Defendant
Sumitomo Electric Industries, Ltd.
(Additional Attorneys Listed On Signature Page)



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LUCHA BOTT, JANE M. TAYLOR
and JUDE A. ANHELUK, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

DELPHI AUTOMOTIVE LLP;
FURUKAWA ELECTRIC CO., LTD.;
LEAR CORP.; LEONI AG;
SUMITOMO ELECTRIC
INDUSTRIES, LTD.; S-Y SYSTEMS
TECHNOLOGIES GMBH; YAZAKI
CORP.; YAZAKI NORTH AMERICA
INC.,

Defendants.

CASE NO. 3:11-cv-04949-JW

Hon. James F. Ware

**STIPULATION FOR EXTENSION OF
TIME TO RESPOND TO CLASS
ACTION COMPLAINT**

1 Pursuant to Civil Local Rule 6-1, plaintiffs Lucha Bott, Jane M. Taylor and
2 Jude A. Anheluk (collectively, “Plaintiffs”) and defendant Sumitomo Electric
3 Industries, Ltd. (“Sumitomo”) hereby jointly file the instant Stipulation for
4 Extension of Time to Respond to Class Action Complaint. The Stipulation mirrors
5 the Stipulation and Order filed by Plaintiffs and defendants Lear Corporation and
6 Yazaki North America, Inc. that this Court entered on November 1, 2011.

7 Currently pending before the United States Judicial Panel on Multidistrict
8 Litigation (“JPML”) is a motion that was filed on October 11, 2011, pursuant to 28
9 U.S.C. § 1407, to consolidate for pretrial proceedings a number of related civil
10 actions that allege that defendants engaged in a price-fixing conspiracy regarding
11 automotive electrical wire harness systems (the “Related Actions”). So as to
12 preserve both party and judicial resources pending the JPML’s decision in this
13 matter, plaintiffs and Sumitomo, by and through their undersigned counsel,
14 stipulate to the following:

15 (1) If the JPML transfers all related civil actions to a single district for
16 coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407,
17 Sumitomo shall, as permitted by Federal Rule 12, answer, move or otherwise
18 respond to the complaint in the above-captioned action (the “Complaint”) within
19 45 days after: (a) the plaintiffs in the consolidated actions serve a consolidated
20 amended complaint, or (b) the plaintiffs in the consolidated actions serve notice
21 that they will not file a consolidated amended complaint.

22 (2) If the JPML denies the motion to transfer all related civil actions to a
23 single district for coordinated or consolidated pretrial proceedings, Sumitomo
24 shall, as permitted by Federal Rule 12, answer, move or otherwise respond to the
25 Complaint within 45 days after service of the JPML ruling.

26 (3) If all plaintiffs in the Related Actions agree to consolidate all related civil
27 actions in a single district and withdraw the pending motions before the JPML, and
28 Sumitomo has not filed and does not file its own motion to transfer the Related

1 Actions to a single district for coordinated or consolidated pretrial proceedings
2 pursuant to 28 U.S.C. § 1407, Sumitomo shall, as permitted by Rule 12, answer,
3 move or otherwise respond to the Complaint within 45 days after: (a) the plaintiffs
4 in the consolidated actions file a consolidated amended complaint, or (b) the
5 plaintiffs in the consolidated actions file notice that they will not file a consolidated
6 amended complaint.

7 (4) Notwithstanding paragraphs (1), (2) or (3), above, if Sumitomo files an
8 answer, moves or otherwise responds pursuant to Federal Rule 12 in any of the
9 Related Actions before the date required by this stipulation, Sumitomo will
10 concurrently file its answer, move or otherwise respond as permitted by Rule 12 in
11 this matter.

12 (5) Plaintiffs and Sumitomo stipulate and agree that the entry into this
13 stipulation by Sumitomo shall not constitute a waiver of (a) any jurisdictional
14 defenses that may be available under Rule 12 of the Federal Rules of Civil
15 Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil
16 Procedure or (c) any other statutory or common law defenses that may be available
17 to Sumitomo in this and the other Related Actions. Sumitomo expressly reserves
18 its rights to raise any such defenses (or any other defense) in response to either the
19 current Complaint or any amended complaint that may be filed relating to this
20 action.

21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //

1 IT IS SO STIPULATED.

2 Dated: November 22, 2011

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

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Jeff D. Friedman

Jeff. D. Friedman

Jeff D. Friedman (State Bar No. 173886)
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Tel. (510) 725-3000
jefff@hbsslaw.com

Steve W. Berman
Anthony D. Shapiro
George W. Sampson
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Tel. (206) 623-7292
steve@hbsslaw.com
tony@hbsslaw.com
george@hbsslaw.com

Elizabeth A. Fegan
HAGENS BERMAN SOBOL SHAPIRO LLP
820 North Boulevard, Suite B
Oak Park, IL 60301
Tel. (708) 776-5604
beth@hbsslaw.com

Attorneys for Plaintiffs

1 Dated: November 22, 2011

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

LATHAM & WATKINS LLP

By: /s/ Daniel M. Wall

Daniel M. Wall

LATHAM & WATKINS LLP

Daniel M. Wall (State Bar No. 102580)

505 Montgomery Street, Ste. 2000

San Francisco, CA 94111-6538

Telephone: (415) 391-0600

Facsimile: (415) 395-8095

dan.wall@lw.com

Attorney for Defendant

Sumitomo Electric Industries, Ltd.