

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

GEORGE NICOUD, on behalf of  
himself and all others similarly  
situated,

Plaintiff,

v.

FURUKAWA ELECTRIC  
COMPANY LTD.; DENSO  
CORPORATION; DENSO  
INTERNATIONAL AMERICA, INC.;  
DELPHI AUTOMOTIVE LLP; LEAR  
CORPORATION; YAZAKI  
CORPORATION; YAZAKI NORTH  
AMERICA, INC., TOKAI RIKAI  
COMPANY, LTD.; LEONI AG;  
SUMITOMO ELECTRIC  
INDUSTRIES, LTD.; S-Y SYSTEMS  
TECHNOLOGIES EUROPE GMBH;  
Defendants.

**CASE NO. 3:11-cv-05057-JW**

Hon. James F. Ware

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

1 Pursuant to Civil Local Rule 6-1, plaintiff George Nicoud (“Plaintiff”) and  
2 defendant Sumitomo Electric Industries, Ltd. (“Sumitomo”) hereby jointly file the  
3 instant Stipulation for Extension of Time to Respond to Class Action Complaint.  
4 The Stipulation mirrors the Stipulation and Order filed by Plaintiff and defendants  
5 Denso International America, Inc., and Yazaki North America, Inc. that this Court  
6 entered on November 17, 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, Plaintiff and Sumitomo, by and through their undersigned counsel, stipulate  
14 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) Plaintiff 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.

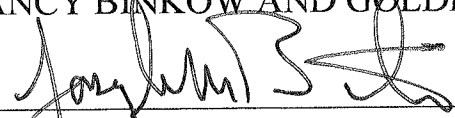
21 //  
22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //

1 IT IS SO STIPULATED.

2 Dated: December 23, 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

GLANCY BINKOW AND GOLDBERG LLP

By:   
\_\_\_\_\_

Joseph Barton

Susan G. Kupfer (State Bar No. 141724)  
Joseph Barton (State Bar No. 188441)  
One Embarcadero Center, Suite 760  
San Francisco, CA 94111  
Tel. (415) 972-8160  
Fax: (415) 972-8166  
skupfer@glancylaw.com  
jbarton@glancylaw.com

Attorneys for Plaintiff

1 Dated: December 27, 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.