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 8 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

10 SCOTT BRUCE, Individually and on Behalf of
 All Others Similarly Situated,
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 Plaintiff,
 12
 v.
 13 SUNTECH POWER HOLDINGS CO., LTD.
 and ZHENGRONG SHI,
 14
 Defendants.
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Case No. 3:12-cv-04061-RS

**STIPULATION AND ~~[PROPOSED]~~
 ORDER TO EXTEND DEFENDANT
 ZHENGRONG SHI'S TIME TO
 RESPOND TO THE SECOND
 AMENDED COMPLAINT, SET A
 BRIEFING SCHEDULE AND FURTHER
 CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE AND
 RESET RELATED DEADLINES**

Judge: Hon. Richard Seeborg

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1 WHEREAS, on December 26, 2013, the Court issued an Order dismissing the
2 Consolidated Amended Class Action Complaint and granting lead plaintiffs James Bachesta,
3 Thanh Le, and Chen Weifeng (the “Lead Plaintiffs”) leave to file an amended complaint within
4 thirty (30) days (Dkt. No. 98);

5 WHEREAS, on January 27, 2014, Lead Plaintiffs filed a Consolidated Second Amended
6 Class Action Complaint (Dkt. No. 99) (the “SAC”) against Suntech Power Holdings Co., Ltd. and
7 Zhengrong Shi (“Shi”);

8 WHEREAS, pursuant to Federal Rules of Civil Procedure 6(d) and 15(a)(3), Shi must
9 answer, move to dismiss or otherwise respond to the SAC on or before February 13, 2014;

10 WHEREAS the Lead Plaintiffs and Shi (collectively, the “Parties”), through their
11 respective counsel, have agreed to extend Shi’s time to answer, move to dismiss or otherwise
12 respond to the SAC and have further agreed on a schedule for briefing any such motion to dismiss;

13 WHEREAS, on November 22, 2013, the Court issued an Order continuing the Initial Case
14 Management Conference in the above-captioned action to March 20, 2014 (Dkt. No. 96);

15 WHEREAS the Parties believe that, in order to avoid the needless waste of the Court’s and
16 the Parties’ resources, it would be prudent to defer the Initial Case Management Conference and
17 the completion of initial disclosures until after Shi has had the opportunity to file any motion to
18 dismiss and the Court has ruled on any such motion to dismiss; and

19 WHEREAS the Parties further believe that postponement of initial disclosures and any
20 discussions about discovery at this time is proper because the Private Securities Litigation Reform
21 Act of 1995 (the “PSLRA”) generally stays all discovery and other proceedings, including initial
22 disclosures, pending the disposition of motions to dismiss in securities actions such as this one.
23 *See Medhekar v. United States Dist. Court*, 99 F.3d 325, 328-29 (9th Cir. 1996) (holding F.R.C.P.
24 26(a)’s initial disclosure requirements are disclosures or other proceedings for purposes of
25 PSLRA’s stay provision, and must be stayed pending disposition of motion to dismiss).

26 Accordingly, IT IS HEREBY STIPULATED AND AGREED, by the Parties, through their
27 undersigned counsel, subject to Court approval, as follows:

28 STIPULATION AND [PROPOSED] ORDER TO EXTEND DEFENDANT SHI’S TIME TO RESPOND TO SAC,
SET BRIEFING SCHEDULE AND FURTHER CONTINUE INITIAL CASE MANAGEMENT CONFERENCE

- 1 1. Defendant Shi's time to answer, move to dismiss or otherwise respond to the SAC
2 shall be extended through and including March 28, 2014.
- 3 2. The Lead Plaintiffs shall file their opposition to any motion to dismiss by Shi on or
4 before May 27, 2014.
- 5 3. Shi shall file any reply in further support of his motion to dismiss on or before
6 June 26, 2014.
- 7 4. The Initial Case Management Conference is continued until August 28, 2014, or
8 such other date as may be ordered by the Court.
- 9 5. This Stipulation is entered into without prejudice to any party seeking any interim
10 relief.
- 11 6. Nothing in this Stipulation shall be construed as a waiver of any of Shi's rights or
12 positions in law or equity, or as a waiver of any defenses that he would otherwise have.
- 13 7. There have been no prior extensions of Shi's time to answer, move or otherwise
14 respond to the SAC.
- 15 8. The Initial Case Management Conference and related deadlines have been
16 continued four times previously.
- 17 9. The Parties do not seek to reset these dates for the purpose of delay, and the
18 proposed new dates will not have an effect on any pre-trial and trial dates because the Court has
19 yet to schedule these dates.

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21 Dated: February 7, 2014

SHEARMAN & STERLING LLP

22 By: /s/ Jerome S. Fortinsky

23 Jerome S. Fortinsky (admitted *pro hac vice*)

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Attorneys for Defendant Zhengrong Shi

Dated: February 7, 2013

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*Liaison Counsel for Lead Plaintiffs James Bachesta,
Thanh Le and Chen Weifeng*

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 7, 2014



Hon. Richard Seeborg
United States District Judge

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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Jerome S. Fortinsky, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with Local Rule 5-1(i)(3), I hereby attest that Daniel S. Sommers of Cohen Milstein Sellers & Toll PLLC has concurred in this filing.

DATED: February 7, 2013

By: /s/ Jerome S. Fortinsky
Jerome S. Fortinsky