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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SCOTT BRUCE, Individually and on Behalf of  
All Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
SUNTECH POWER HOLDINGS CO., LTD.  
and ZHENGRONG SHI,  
  
Defendants.

Case No. 3:12-cv-04061-RS

**STIPULATION AND [~~PROPOSED~~]  
ORDER TO STAY DEFENDANT  
ZHENGRONG SHI'S TIME TO  
ANSWER THE CONSOLIDATED  
SECOND AMENDED CLASS ACTION  
COMPLAINT AND TO ADJOURN THE  
INITIAL CASE MANAGEMENT  
CONFERENCE AND FILING OF A  
JOINT CASE MANAGEMENT  
STATEMENT**

Judge: Hon. Richard Seeborg

STIPULATION AND [PROPOSED] ORDER  
TO STAY DEFENDANT SHI'S TIME TO  
ANSWER SAC AND ADJOURN CMC AND FILING OF  
JOINT CMC STATEMENT

Case No. 3:12-cv-04061-RS

1 Pursuant to Civil Local Rules 6-2 and 7-12, lead plaintiffs James Bachesta, Thanh Le, and  
2 Chen Weifeng (collectively, the “Lead Plaintiffs”) and defendant Zhengrong Shi (“Dr. Shi”)  
3 (together with the Lead Plaintiffs, the “Parties”), by and through their counsel, hereby agree and  
4 stipulate that good cause exists to request an order from the Court staying Dr. Shi’s time to answer  
5 the Consolidated Second Amended Class Action Complaint (the “SAC”) and adjourning the Initial  
6 Case Management Conference.

7 WHEREAS, on August 1, 2014, the Court issued a Clerk’s Notice (Dkt. No. 117) setting  
8 the Initial Case Management Conference for October 2, 2014;

9 WHEREAS, on August 12, 2014, the Court issued an Order (Dkt. No. 119) denying Dr.  
10 Shi’s Motion to Dismiss the SAC filed by Lead Plaintiffs, and ordered Dr. Shi to “file an answer  
11 within twenty days;”

12 WHEREAS, on August 22, 2014, the Court issued an Order (Dkt. No. 126) extending Dr.  
13 Shi’s time to answer the SAC to September 30, 2014;

14 WHEREAS, on September 11, 2014, the Parties filed a Stipulation and Proposed Order  
15 informing the Court they would attempt to resolve this action through private mediation (Dkt. No.  
16 124);

17 WHEREAS, on December 2, 2014, the Court entered an Order extending the deadline for  
18 the Parties to engage in mediation to February 24, 2015, and in light of the Parties’ agreement to  
19 mediate and at the Parties’ request, the Court issued an Order extending Dr. Shi’s time to answer  
20 the SAC to March 27, 2015 and rescheduling the Initial Case Management Conference for April 9,  
21 2015 “[u]nless the Parties advise the Court that the case has been resolved” (Dkt. No 131);

22 WHEREAS, on February 24, 2015, the Parties participated in private mediation before the  
23 Honorable Layn R. Phillips (Ret.) which resulted in a mediator’s proposal to settle this action  
24 pursuant to a term sheet negotiated by the Parties during the mediation (the “Term Sheet”);

25 WHEREAS, on March 11, 2015, the Parties accepted the mediator’s proposal pursuant to  
26 the terms reflected in the Term Sheet and agreed (subject to the contingencies set forth by the

1 Parties) to a settlement that would fully resolve this action;

2 WHEREAS, pursuant to the Term Sheet, the Parties shall attempt in good faith to agree  
3 upon and execute a stipulation of settlement within thirty (30) days of March 11, 2015 and Lead  
4 Plaintiffs shall file preliminary approval papers within fifteen (15) days thereafter;

5 WHEREAS the Parties intend to execute a stipulation of settlement by April 10, 2015 and  
6 Lead Plaintiffs intend to file preliminary approval papers with the Court by April 27, 2015;

7 WHEREAS the Parties believe that, in light of their agreement to settle this action in its  
8 entirety and in order to avoid the needless waste of the Court's and the Parties' resources, it would  
9 be prudent to stay Dr. Shi's time to answer the SAC and adjourn the Initial Case Management  
10 Conference and obligation to file a Joint Case Management Statement until after the Court's  
11 resolution of settlement approval proceedings.

12 Accordingly, IT IS HEREBY STIPULATED AND AGREED, by the Parties, through their  
13 undersigned counsel, subject to this Court's approval, as follows:

14 1. Dr. Shi's time to answer the SAC is hereby stayed pending the Court's resolution  
15 of settlement approval proceedings. In the event the settlement approval proceedings do not result  
16 in the complete resolution of this action, Dr. Shi shall be required to answer the SAC on a date  
17 ordered by the Court.

18 2. The Initial Case Management Conference set for April 9, 2015 is adjourned  
19 pending the outcome of settlement approval proceedings, and the Parties shall not be required to  
20 file a Joint Case Management Statement. In the event the settlement approval proceedings do not  
21 result in the complete resolution of this action, the Initial Case Management Conference shall  
22 occur on a date ordered by the Court. The Parties shall file a Joint Case Management Statement at  
23 least one week prior to the Initial Case Management Conference.

24 3. This Stipulation is entered into without prejudice to any Party seeking any interim  
25 relief.

26 4. Nothing in this Stipulation shall be construed as a waiver of the Parties' rights in

1 law or equity, or as a waiver of any defenses or claims that the Parties would otherwise have.

2 5. There have been three previous modifications to the schedule that the Court set in  
3 its August 12, 2014 Order for Dr. Shi to answer the SAC.

4 6. The Initial Case Management Conference and related deadlines have been  
5 continued seven times while motions to dismiss were pending and to allow the Parties to engage in  
6 private mediation.

7 7. The Parties do not seek to stay or adjourn the dates set forth herein for the purpose  
8 of delay, and a stay and adjournment will not have an effect on any pre-trial or trial dates because  
9 the Court has yet to schedule these dates.

10 March 26, 2015

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*Attorneys for Defendant Zhengrong Shi*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: April 3,  
~~March~~ \_\_, 2015

  
Hon. Richard Seeborg  
United States District Judge