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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**

Judge: Hon. Richard Seeborg

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. 122) 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;

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

1 WHEREAS, on April 3, 2015, the Court entered an Order granting the Parties' request to
2 adjourn the Initial Case Management Conference scheduled for April 9, 2015 given the Parties'
3 agreement to settle this action (Dkt. No. 135);

4 WHEREAS, on May 21, 2015, the Court issued a Clerk's Notice further adjourning the
5 Initial Case Management Conference scheduled for May 28, 2015 until July 2, 2015 (Dkt. No.
6 139);

7 WHEREAS, on June 25, 2015, the Parties submitted a Joint Case Management Statement
8 for the Initial Case Management Conference scheduled for July 2, 2015 (Dkt. No. 140);

9 WHEREAS, on June 25, 2015, the Court issued a Clerk's Notice further adjourning the
10 Initial Case Management Conference scheduled for July 2, 2015 until August 27, 2015 (Dkt. No.
11 142);

12 WHEREAS the Parties executed a stipulation of settlement on August 14, 2015 and Lead
13 Plaintiffs filed a Motion for Preliminary Approval of Class Action Settlement and a Memorandum
14 of Points and Authorities in Support with the Court on August 18, 2015 (Dkt. No. 144);

15 WHEREAS the Parties believe that, in light of their agreement to settle this action in its
16 entirety and in order to avoid the needless waste of the Court's and the Parties' resources, it would
17 be prudent to stay Dr. Shi's time to answer the SAC and adjourn the Initial Case Management
18 Conference until after the Court's resolution of settlement approval proceedings. If the Initial
19 Case Management Conference is not adjourned, the Parties' respectfully refer the Court to their
20 Joint Case Management Statement filed on June 25, 2015 (Dkt. No. 140).

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

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

27 2. The Initial Case Management Conference set for August 27, 2015 is adjourned

1 pending the outcome of settlement approval proceedings. In the event the settlement approval
2 proceedings do not result in the complete resolution of this action, the Initial Case Management
3 Conference shall occur on a date ordered by the Court. The Parties shall file an updated Joint
4 Case Management Statement at least one week prior to the Initial Case Management Conference.

5 3. This Stipulation is entered into without prejudice to any Party seeking any interim
6 relief.

7 4. Nothing in this Stipulation shall be construed as a waiver of the Parties' rights in
8 law or equity, or as a waiver of any defenses or claims that the Parties would otherwise have.

9 5. The Initial Case Management Conference and related deadlines have been
10 continued eleven times while motions to dismiss were pending, while the Parties were engaged in
11 private mediation, and while the Parties were executing the stipulation of settlement and drafting
12 preliminary approval papers.

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

16 August 20, 2015

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Attorneys for Defendant Zhengrong Shi

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

23 DATED: August 21, 2015

24 

25 Hon. Richard Seeborg
26 United States District Judge