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11 UNITED STATES DISTRICT COURT  
 12  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 SCOTT BRUCE, Individually and on Behalf  
 15 of All Others Similarly Situated,

16 Plaintiff,

17 v.

18 SUNTECH POWER HOLDINGS CO.  
 19 LTD., ZHENGRONG SHI, DAVID KING,  
 20 AND AMY YIZHANG,

21 Defendants.

Case No. 3:12-CV-4061-RS

**STIPULATION AND  
 ORDER TO CONTINUE THE  
 INITIAL CASE MANAGEMENT  
 CONFERENCE, RESET  
 RELATED DEADLINES AND  
 EXTEND DEFENDANT'S TIME  
 TO ANSWER OR OTHERWISE  
 RESPOND TO THE COMPLAINT**

**AS MODIFIED BY COURT**

**[Civil L.R. 16-2, 7-12]**

DATE: November 1, 2012  
 TIME: 10:00 a.m.  
 COURTROOM: 3  
 Honorable Richard Seeborg

1 Pursuant to Civil Local Rules 16-2 and 7-12, Plaintiff Scott Bruce (“Plaintiff”) and  
2 Defendant Suntech Power Holdings Co., Ltd. (“Defendant” or “Suntech”) hereby agree and  
3 stipulate that good cause exists to request an order from the Court rescheduling the Initial Case  
4 Management Conference currently set for November 1, 2012, pursuant to this Court’s August 1,  
5 2012 Order Setting Initial Case Management Conference and ADR Deadlines (DE 5) (the “August  
6 1, 2012 Order”), and to adjust accordingly the related deadlines set forth therein.

### 7 **RECITALS**

8 WHEREAS, on August 1, 2012, Plaintiff filed a putative class action complaint  
9 (“Complaint”), against Defendants Suntech, Zhengrong Shi (“Shi”), David King (“King”), and  
10 Amy Yi Zhang (“Zhang”) (Shi, King, and Zhang are collectively referred to herein as the  
11 “Individual Defendants”) for violations of Section 10(b) of the Securities Exchange Act of 1934  
12 (“Exchange Act”), Rule 10b-5 promulgated thereunder, and Section 20(a) of the Exchange Act.

13 WHEREAS, on September 6, 2012, a similar putative class action complaint was filed in  
14 this Court asserting the same or substantially similar claims against Suntech and the Individual  
15 Defendants, captioned, *Le v. Suntech Power Holdings Co., Ltd., et al.*, 12-cv-04655-YGR.

16 WHEREAS, on August 1, 2012, a similar putative class action complaint was filed in the  
17 United States District Court for the Central District of California asserting the same or  
18 substantially similar claims against, among others, Suntech and the Individual Defendants,  
19 captioned, *Henisz v. Suntech Power Holdings Co., Ltd., et al.*, C.D. Cal. No. 12-cv-06628-JAK.

20 WHEREAS, under the Private Securities Litigation Reform Act of 1995 (“PSLRA”),  
21 when a putative class action alleging securities fraud is filed, a process must be followed whereby  
22 the plaintiff gives notice to the putative class, motion(s) for appointment of lead plaintiff are filed,  
23 and the Court appoints lead plaintiff(s) and approves the selection of lead counsel. 15 U.S.C. §  
24 78u-4(a).

25 WHEREAS, Plaintiff provided notice to the putative class, and on October 1, 2012,  
26 various motions for consolidation of the related actions, appointment of lead plaintiff and approval  
27 of selection of lead counsel and liaison counsel were filed.

1 WHEREAS, a hearing on the motions to consolidate related actions and for appointment  
2 of lead plaintiff and approval of selection of lead counsel and liaison counsel is currently set for  
3 November 8, 2012.

4 WHEREAS, Plaintiff anticipates that the actions will be consolidated and that the lead  
5 plaintiff will accordingly need to file a consolidated amended complaint.

6 WHEREAS, on October 25, 2012, Plaintiff served Defendant Suntech with the summons  
7 and Complaint in this action.

8 WHEREAS, the Individual Defendants have not yet been served or appeared in this  
9 action.

10 WHEREAS, the August 1, 2012 Order directed the parties to meet, confer and complete  
11 initial disclosures on October 11, 2012.

12 WHEREAS, the parties believe that, in order to avoid the needless waste of the Court's  
13 and the parties' resources, it would be prudent to defer the initial case management conference and  
14 the completion of initial disclosures until the lead plaintiff has been appointed, the lead plaintiff's  
15 selection of lead counsel has been approved, the lead plaintiff has filed a consolidated amended  
16 complaint, Suntech has had the opportunity to file any motion to dismiss, and the Court has ruled  
17 on Suntech's anticipated motion to dismiss.

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

25 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
26 parties hereto, that:

27  
28 STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE INITIAL CASE MANAGEMENT  
CONFERENCE, AND RESET RELATED DEADLINES AND EXTEND THE DEFENDANT'S TIME TO ANSWER  
OR OTHERWISE RESPOND TO THE COMPLAINT



1 Dated: October 29, 2012

SHEARMAN & STERLING LLP

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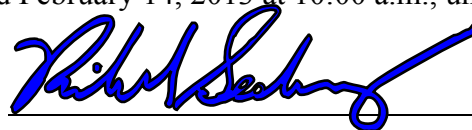
**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Initial Case Management Conference to be held February 14, 2013 at 10:00 a.m., unless otherwise ordered.

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DATED: 10/30/12

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Hon. Richard Seeborg  
United States District Judge

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STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE, AND RESET RELATED DEADLINES AND EXTEND THE DEFENDANT'S TIME TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT