

1 Stephen D. Hibbard (SBN 117865)  
 shibbard@shearman.com  
 2 SHEARMAN & STERLING LLP  
 Four Embarcadero Center, Suite 3800  
 3 San Francisco, CA 94111-5994  
 Telephone: (415) 616-1100  
 4 Facsimile: (415) 616-1199

5 *Counsel for Suntech Power Holdings Co., Ltd.,  
 Zhengrong Shi and David King*

6 [Additional counsel listed on signature page]

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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.,  
 ZHENGRONG SHI, DAVID KING, and AMY  
 14 YI ZHANG,  
 15  
 Defendants.

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

**STIPULATION AND [PROPOSED]  
 ORDER SETTING SCHEDULE FOR  
 DEFENDANTS SHI AND KING TO  
 RESPOND TO CONSOLIDATED  
 AMENDED CLASS ACTION  
 COMPLAINT AND MODIFYING  
 SCHEDULE FOR REMAINING  
 BRIEFING ON DEFENDANT  
 SUNTECH'S MOTION TO DISMISS**

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1                   WHEREAS, on April 8, 2013, defendant Suntech Power Holdings Co., Ltd.  
2 (“Suntech”) moved to dismiss (Dkt. No. 62) the Consolidated Amended Class Action Complaint  
3 (the “Complaint”) (Dkt. No. 56) filed by lead plaintiffs James Bachesta, Thanh Le, and Chen  
4 Weifeng (collectively, the “Lead Plaintiffs”) in this action;

5                   WHEREAS, pursuant to the Stipulation and Order Regarding Pretrial Scheduling,  
6 dated December 17, 2012 (Dkt. No. 53), the Lead Plaintiffs’ opposition to Suntech’s motion to  
7 dismiss is due to be filed on or before June 7, 2013 and Suntech’s reply in further support of its  
8 motion to dismiss is due to be filed on July 8, 2013;

9                   WHEREAS, on March 15, 2013, the Lead Plaintiffs filed a Motion to Authorize  
10 Alternative Service of Two Individual Defendants Pursuant to Federal Rule of Civil Procedure  
11 4(f)(3) (the “Service Motion”) (Dkt. No. 57);

12                   WHEREAS, on May 13, 2013, the Court issued an Order granting the Service  
13 Motion (Dkt. No. 70), thereby permitting the Lead Plaintiffs to serve defendants Dr. Zhengrong  
14 Shi (“Shi”) and Mr. David King (“King”) “through defendant Suntech’s registered agent located in  
15 New York, New York, and through Suntech’s U.S. headquarters (‘Suntech America’) and Suntech  
16 America’s registered agent, both of which are located in San Francisco, California”;

17                   WHEREAS, on May 16, 2013, Lead Plaintiffs delivered copies of the Summons  
18 and Complaint to defendants Shi and King through Suntech America;

19                   WHEREAS, on May 29, 2013, Lead Plaintiffs filed a Motion to Deem Service  
20 Effective Upon Defendants Zhengrong Shi and David King (the “Motion to Deem Service  
21 Effective”) (Dkt. No. 71);

22                   WHEREAS, on May 31, 2013, defendants’ undersigned counsel notified the Lead  
23 Plaintiffs’ counsel, on behalf of defendants Shi and King, that they would not be contesting the  
24 adequacy of service, and thus that there is no need for further proceedings on Lead Plaintiffs’  
25 Motion to Deem Service Effective;

26                   WHEREAS the Lead Plaintiffs and defendants Shi and King, through their  
27 respective undersigned counsel, have conferred and agreed on a date for defendants Shi and King  
28 to answer, move to dismiss or otherwise respond to the Complaint and on the dates for briefing

1 any such motions to dismiss;

2 WHEREAS the Lead Plaintiffs and defendants Suntech, Shi and King (collectively,  
3 the “Defendants”), through their respective undersigned counsel, have further agreed to modify the  
4 schedule for remaining briefing on Suntech’s motion to dismiss as set forth herein; and

5 WHEREAS the Lead Plaintiffs and the Defendants have agreed that the proposed  
6 schedule should, to the extent possible, avoid conflict with Defendants’ counsels’ previously  
7 scheduled family summer vacation plans;

8 Accordingly, IT IS HEREBY STIPULATED AND AGREED, by the Lead  
9 Plaintiffs and the Defendants, through their respective undersigned counsel, subject to Court  
10 approval, as follows:

11 1. Defendants Shi and King shall answer, move to dismiss or otherwise  
12 respond to the Complaint on or before June 28, 2013;

13 2. The Lead Plaintiffs shall file a single consolidated opposition to Suntech’s  
14 motion to dismiss and any motions to dismiss filed by defendants Shi and/or King on or before  
15 August 5, 2013. The consolidated opposition shall not exceed in length the combined number of  
16 pages of the opening briefs filed by Suntech, Shi and/or King;

17 3. The Defendants shall file their respective replies in further support of their  
18 motions to dismiss on or before September 18, 2013; and

19 4. The Lead Plaintiffs’ Motion to Deem Service Effective is hereby denied as  
20 moot.

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1 DATED: June 4, 2013

SHEARMAN & STERLING LLP

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By: /s/ Jerome S. Fortinsky  
Jerome S. Fortinsky (admitted *pro hac vice*)  
H. Miriam Farber (admitted *pro hac vice*)  
599 Lexington Avenue  
New York, NY 10022  
Telephone: (212) 848-4000  
Fax: (212) 848-7179  
Email: jfortinsky@shearman.com  
mfarber@shearman.com

Stephen D. Hibbard  
Four Embarcadero Center, Suite 3800  
San Francisco, CA 94111  
Telephone: (415) 616-1100  
Fax: (415) 616-1199  
Email: shibbard@shearman.com

*Counsel for Defendants Suntech Power Holdings Co., Ltd., Zhengrong Shi and David King*

DATED: June 4, 2013

COHEN MILSTEIN SELLERS & TOLL PLLC

By: /s/ Daniel S. Sommers  
Steven J. Toll  
Daniel S. Sommers (admitted *pro hac vice*)  
Joshua M. Kolsky  
Elizabeth Aniskevich  
1100 New York Avenue, N.W.  
West Tower, Suite 500  
Washington, D.C. 20005  
Telephone: (202) 408-4600  
Fax: (202) 408-4699

POMERANTZ GROSSMAN HUFFORD DAHLSTROM & GROSS LLP  
Patrick V. Dahlstrom (admitted *pro hac vice*)  
Joshua B. Silverman (admitted *pro hac vice*)  
Louis C. Ludwig (admitted *pro hac vice*)  
10 South LaSalle St., Suite 3505  
Chicago, Illinois 60603  
Telephone: (312) 377-1181  
Fax: (312) 377-1184  
Email: pdahlstrom@pomlaw.com

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

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GLANCY BINKOW & GOLDBERG LLP

Michael M. Goldberg  
Lionel Z. Glancy  
1925 Century Park East, Suite 2100  
Los Angeles, California 90067  
Telephone: (310) 201-9150  
Facsimile: (310) 201-9160

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

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

DATED: 6/5/13



Hon. Richard Seeborg  
United States District Judge