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12 *Attorneys for Plaintiffs Dell Inc. and Dell Products L.P.*

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 IN RE: OPTICAL DISK DRIVE PRODUCTS
 16 ANTITRUST LITIGATION

Case No.: 3:13-cv-03350-RS

MDL No. 2143

17 This Document Relates to:

18 *Dell Inc. and Dell Products L.P. v. Hitachi-LG*
 19 *Data Storage Inc., et al.*, No. 3:13-cv-03350-RS

**JOINT STIPULATION AND [~~PROPOSED~~]
 ORDER REGARDING AMENDED
 COMPLAINT OF DELL INC. AND DELL
 PRODUCTS L.P.**

Hon. Richard Seeborg

1 Plaintiffs Dell Inc. and Dell Products L.P. (collectively, “Dell”), and Defendants Hitachi,
2 Ltd., Hitachi-LG Data Storage, Inc., Hitachi-LG Data Storage Korea, Inc., Koninklijke Philips N.V.,
3 Philips & Lite-On Digital Solutions Corporation, Philips & Lite-On Digital Solutions USA, Inc.,
4 Lite-On IT Corporation of Taiwan, BenQ Corporation, BenQ America Corporation, NEC
5 Corporation, Samsung Electronics Co., Ltd., Samsung Electronics America Inc., Toshiba
6 Corporation, Toshiba Samsung Storage Technology Corp., Toshiba Samsung Storage Technology
7 Korea Corp., and Toshiba America Information Systems, Inc. (collectively, “Defendants”) by and
8 through undersigned counsel, stipulate and agree to the below:

9 WHEREAS, Dell filed a Complaint against Defendants on May 13, 2013 in the Western
10 District of Texas, Austin Division, (“Complaint”) which action was transferred to the Northern District
11 of California, San Francisco Division on July 16, 2013. *See* Case No. 3:13-CV-03350-RS (N.D. Cal),
12 Dkt. Nos. 1, 19;

13 WHEREAS, Dell has proposed to amend its Complaint and provided Defendants with its
14 proposed First Amended Complaint, and Defendants consent to such amendment;

15 NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED, by and between the
16 undersigned counsel for Dell and Defendants, as follows:

17 1. Dell is granted leave to amend pursuant to Fed. R. Civ. P. 15(a)(2). Dell’s First
18 Amended Complaint shall be filed within five (5) days after entry of this stipulation and order by the
19 Court;

20 2. Dell’s First Amended Complaint shall relate back for all purposes to Dell’s Complaint
21 filed on May 13, 2013;

22 3. Defendants’ answers shall be due 45 days from Dell’s filing of its First Amended
23 Complaint;

24 4. Defendants need answer only paragraphs 1, 74-76, 80, 140-143, and 164-185 of Dell’s
25 First Amended Complaint; and

26 5. This Stipulation and [Proposed] Order does not constitute a waiver by Defendants of
27 any defenses to Dell’s action.

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IT IS SO STIPULATED.

Dated: December 23, 2016

ALSTON & BIRD LLP
Counsel for Plaintiffs Dell Inc. and Dell Products L.P.
/s/ Rodney J. Ganske

Dated: December 23, 2016

O'MELVENY & MYERS LLP
Attorneys for Defendants Samsung Electronics Co., Ltd.
and Samsung Electronics America, Inc.
/s/ James M. Pearl

Dated: December 23, 2016

LATHAM & WATKINS LLP
Attorneys for Defendants Toshiba Corporation,
Toshiba Samsung Storage Technology Corporation,
Toshiba Samsung Storage Technology Korea
Corporation, and Toshiba America Information
Systems, Inc.
/s/ Belinda S Lee

Dated: December 23, 2016

BLANK ROME LLP
Attorneys for Defendants BenQ Corp. and BenQ
America Corp.
/s/ Lisa M. Kaas

Dated: December 23, 2016

BAKER BOTTS LLP
Attorneys for Defendants Koninklijke Philips N.V.,
Philips & Lite-On Digital Solutions Corporation,
Philips & Lite-On Digital Solutions USA, Inc., and
Lite-On IT Corporation of Taiwan
/s/ Evan J. Werbel

Dated: December 23, 2016

ROPES & GRAY LLP
Attorneys for Defendants Hitachi-LG Data Storage,
Inc., Hitachi-LG Data Storage Korea, Inc.
/s/ Anthony C. Biagioli

Dated: December 23, 2016

VINSON & ELKINS LLP
Attorneys for Defendant Hitachi, Ltd.
/s/ Craig P. Seebald

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ATTESTATION


Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 23, 2016

/s/ Rodney J. Ganske
Rodney J. Ganske

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 2/15/17


HONORABLE RICHARD SEEBORG
United States District Judge
Northern District of California