

1 Michael P. Kenny
 mike.kenny@alston.com
 2 Debra D. Bernstein
 debra.bernstein@alston.com
 3 Rodney J. Ganske
 rod.ganske@alston.com
 4 Andrew J. Tuck
 andy.tuck@alston.com
 5 **ALSTON & BIRD LLP**
 1201 West Peachtree Street
 6 Atlanta, Georgia 30309-3424
 Telephone: 404-881-7000
 7 Facsimile: 404-881-7777

8 James M. Wagstaffe (State Bar No. 95535)
 wagstaffe@kerrwagstaffe.com
 9 **KERR & WAGSTAFFE LLP**
 100 Spear Street, 18th Floor
 10 San Francisco, California 94105-1576
 Telephone: 415-371-8500
 11 Facsimile: 415-371-0500

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

13
 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 IN RE: OPTICAL DISK DRIVE PRODUCTS
 18 ANTITRUST LITIGATION

Case No. 3:10-MD-02143 RS
 MDL No. 2143

19 This Document Relates to Individual Case No.
 3:13-cv-03350-RS

Individual Case No. 3:13-CV-03350-RS

20 DELL INC. and DELL PRODUCTS L.P.,
 21 Plaintiffs,

**~~PROPOSED~~ ORDER REGARDING
 DISMISSAL OF NEC CORPORATION BY
 DELL INC. AND DELL PRODUCTS L.P.**

22 v.

23 HITACHI-LG DATA STORAGE, INC., *et al.*
 24 Defendants.

1 **[PROPOSED] ORDER**

2 The Court having considered the stipulation of the parties, and good cause appearing therefore,
3 orders as follows:

- 4 1. All claims asserted by Dell Inc. and Dell Products L.P. (“Dell”) against Defendant NEC
5 Corporation in the underlying action are hereby dismissed with prejudice pursuant to
6 Federal Rule of Civil Procedure 41(a)(2).
7 2. Each party shall bear their own costs and attorneys’ fees.

8 IT IS SO ORDERED.

9
10 Dated: 2/22/17


11 Honorable Richard Seborg
United States District Judge