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Attorneys for Defendant  
 NONGSHIM AMERICA, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

STEPHEN FENERJIAN, Individually and on  
 Behalf of All Others Similarly Situated,

Plaintiff,

v.

NONG SHIM COMPANY, LTD.;  
 NONGSHIM AMERICA, INC.; OTTOGI  
 COMPANY, LTD.; OTTOGI AMERICA,  
 INC.; SAMYANG FOODS COMPANY LTD.;  
 SAM YANG (U.S.A.) INC.; KOREA  
 YAKULT CO, LTD.; KOREA YAKULT CO.,  
 LTD. D/B/A PALDO AMERICA, and PALDO  
 COMPANY, LTD.,

Defendants.

Case No. 13-CV-04115-WHO

Class Action

**STIPULATION TO EXTEND THE  
 TIME WITHIN WHICH TO ANSWER  
 OR OTHERWISE RESPOND TO THE  
 COMPLAINT; ORDER THEREON**

Civil L.R. 6-1(a)

STIPULATION TO EXTEND TIME TO  
 RESPOND TO COMPLAINT;  
 ORDER THEREON  
 CASE NO. 13-CV-04115-WHO

1  
2 **RECITALS**

3 WHEREAS, on October 7, 2012, through stipulation, the Parties, by and through their  
4 respective counsel, extended Nongshim America, Inc.'s ("NS America") time to respond to the  
5 complaint in this action until November 25, 2013;

6 WHEREAS, the Initial Case Management Conference ("CMC") in this action is currently  
7 set for November 26, 2013;

8 WHEREAS, this action is one of ten currently-pending lawsuits arising out of an alleged  
9 conspiracy to manipulate the prices of Korean noodle products (the "Related Actions"). Each of  
10 the ten actions names the same four Korea-based companies and their alleged U.S. subsidiaries as  
11 Defendants;

12 WHEREAS, in light of the overlapping factual and legal issues presented by these  
13 different cases, on September 19, the Plaintiff in this action filed a motion before the Judicial  
14 Panel on Multidistrict Litigation ("JPML") to transfer and consolidate the Related Actions (the  
15 "MDL Motion");

16 WHEREAS, the JPML set the MDL Motion for hearing on December 5 and, in ruling on  
17 that motion, will decide (a) if the cases should be consolidated and (b) in which court;

18 WHEREAS, to date, all of the parties that have appeared before the JPML have filed a  
19 response in support, joinder or non-opposition to transfer the related cases to the Northern District  
20 of California to be presided over by this Court;

21 WHEREAS, the purpose of the MDL Motion is "to eliminate duplicative discovery,  
22 prevent inconsistent pretrial rulings (especially with respect to class certification matters), and  
23 conserve the resources of the parties, their counsel and the judiciary." *In re Hypodermic Prods.*  
24 *Antitrust Litig.*, 408 F. Supp. 2d 1356, 1357 (J.P.M.L. 2005);

25 WHEREAS, on November 5, 2013, Plaintiff in this action filed a motion for an order (1)  
26 naming an "Interim Lead Class Counsel" and "Liaison Counsel," (2) setting a schedule for the  
27 filing of a "Consolidated Complaint" by the consolidated Plaintiffs and (3) consolidating the  
28

STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT;  
ORDER THEREON  
CASE NO. 13-CV-04115-WHO

1 following five actions pending in this Court (the “Indirect Purchaser Actions”): *Fenerjian v.*  
2 *Nong Shim Co., Ltd.*, Case No. 13-4115-WHO; *Bonnington v. Nong Shim Co., Ltd.*, Case No. 13-  
3 4296-WHO; *Christina Nguyen v. Nong Shim Co., Ltd.*, Case No. 13-4308-WHO ; *Thu-Thuy*  
4 *Nguyen v. Nong Shim Co., Ltd.*, Case No. 13-4335-WHO; and *Pelobello v. Nong Shim Co., Ltd.*,  
5 Case No. 13-4898-EDL (the “Motion to Consolidate”). This Motion to Consolidate was jointly  
6 filed by the Plaintiffs in all five of the Indirect Purchaser Actions.

7 WHEREAS, in the Motion to Consolidate, Plaintiffs also request leave to file a  
8 consolidated complaint with the Court on or before 45 days from the date the Court enters the  
9 consolidation order or at such other time as the Court shall order.

10 WHEREAS, the Motion to Consolidate is currently set for hearing on December 18, 2013;

11 WHEREAS, NS America’s current deadline to respond to the Complaint in this action is  
12 before the hearings on the MDL Motion and the Motion to Consolidate;

13 WHEREAS, depending on the JPML’s ruling and/or if the Court grants Plaintiffs’ Motion  
14 to Consolidate and Plaintiffs file a consolidated complaint, response to the current complaint will  
15 become moot;

16 WHEREAS, the interests of justice and judicial efficiency will be furthered by continuing  
17 the date by which NS America must respond to the complaint in this action to January 6, 2014, a  
18 date following the December 5, 2013 hearing before the JPML and the December 18, 2013  
19 hearing before this Court on the Motion to Consolidate; and

20 WHEREAS, the interests of justice and judicial efficiency will be furthered by also  
21 continuing the CMC to a date after the December 5, 2013 hearing before the JPML and the  
22 December 18, 2013 hearing before this Court on the Motion to Consolidate.

### 23 **RECITALS**

24 NOW, THEREFORE, the parties, by and through their respective undersigned counsel,  
25 hereby stipulate, and the Court ORDERS, that (1) NS America shall have an extension of time  
26 through and including **January 6, 2014** within which to respond to the complaint in this action,  
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STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT;  
ORDER THEREON  
CASE NO. 13-CV-04115-WHO

1 whether by answer or motion or otherwise allowed by the Federal Rules of Civil Procedure, and  
2 (2) the CMC is continued until **February 4, 2014 at 2:00 P.M.**

3  
4 Dated: November 14, 2013

Squire Sanders (US) LLP

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6 By: /s/ Anne Choi Goodwin

Anne Choi Goodwin  
Attorneys for Defendant  
NONGSHIM AMERICA, INC.

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9 Dated: November 14, 2013

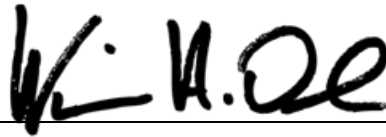
BRAMSON, PLUTZIK, MAHLER  
& BIRKHAUSER LLP

10  
11 By: /s/ Alan R. Plutzik

Alan R. Plutzik  
Attorneys for Plaintiff STEPHEN FENERJIAN  
and the Proposed Class

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14 IT IS SO ORDERED.

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17 Dated: November 18, 2013



18 HONORABLE WILLIAM H. ORRICK  
19 UNITED STATES DISTRICT JUDGE  
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