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2 *[SUBMITTING COUNSEL ON SIGNATURE*
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 IN RE KOREAN RAMEN ANTITRUST
15 LITIGATION

Case No. 3:13-cv-04115-WHO

16 **STIPULATION AND ORDER**
17 **REGARDING BRIEFING AND HEARING**
18 **SCHEDULE ON SANCTIONS MOTIONS**

STIPULATION

1
2 The Indirect Purchaser Plaintiffs and the Direct Purchaser Plaintiffs (together, “Plaintiffs”),
3 and Defendants Ottogi America, Inc., Ottogi Company Ltd., Nongshim America, Inc., and Nongshim
4 Co. Ltd. (together, “Defendants”), by and through their counsel of record, stipulate as follows:

5 WHEREAS, on September 8, 2016 Plaintiffs filed motions for sanctions (Dkt. 416 and Dkt.
6 420) against the Defendants (collectively the “Motions”);

7 WHEREAS, the Motions were not filed 35 days before their noticed hearing date;

8 WHEREAS, Defendants requested some additional time to prepare their Oppositions due to
9 various scheduling issues, including a multi-day Korean national holiday as well as the need to obtain
10 declarations of witnesses in Korea including under Fed. R. Civ. P. 44.1 as to Korean law;

11 WHEREAS, Plaintiffs thereafter made a request to Defendants pursuant to Fed. R. Civ. Proc.
12 43 (c), to make any such declarants available for cross-examination by counsel and the Court at the
13 time of the hearing on the Motions so that the Court can properly judge the veracity of the witnesses;

14 WHEREAS, Defendants have represented that such an examination will be unnecessary
15 and/or inappropriate because, *inter alia*, the declarants have already been deposed and/or would be
16 providing declaration(s) on Korean law under Fed. R. Civ. P. 44.1;

17 WHEREAS, Plaintiffs wish to accommodate Defendants’ request for additional time to
18 prepare their Oppositions and, in light of Defendants’ various representations, Plaintiffs are presently
19 not sure what Defendants’ factual proffer will be and, thus, are willing to reserve further
20 consideration on the question of whether live testimony is warranted until such time as they have an
21 opportunity to review the Oppositions to the Motions;

22 WHEREAS, the parties recognize that if a dispute arises about the appropriateness of
23 Plaintiffs calling live witnesses at the hearing on the Motions, if they decide to do so after reviewing
24 the Oppositions, there will be a very short window to resolve it, and to either arrange for travel in the
25 event that live testimony is determined by the Court to be required or to schedule a further hearing
26 date at a time when anyone whose presence the Court so determines is warranted can travel from
27 Korea; and

1 WHEREAS, the parties have continued to meet and confer since September 8, 2016 about a
2 schedule for briefing and hearing on the Motions;

3 NOW, THEREFORE, Plaintiffs and Defendants hereby stipulate as follows:

- 4 1. Defendants shall file their Oppositions to the Motions on September 28, 2016.
- 5 2. Plaintiffs shall file their Replies to Defendants' Oppositions to the Motions on October
6 5, 2016.
- 7 3. The hearing on the Motions shall be held on October 19, 2016 at 2:00 p.m., subject to
8 such rescheduling (if any) as the Court may make following further application (if any) of the
9 Plaintiffs regarding the question of whether or not any witnesses must appear.
- 10 4. In the event that the parties have a dispute about the attendance of witnesses at the
11 hearing on the Motions following service of the Oppositions to the Motions, they shall bring it
12 to the Court's attention in a joint letter brief as soon as possible thereafter.

13 IT IS SO STIPULATED.

14 DATED: September 15, 2016

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***Attorneys for Defendants Ottogi America, Inc. and
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22 DATED: September 15, 2016

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