

1
2
3
4
5
6
7
8
9
10
11
12
13
14

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

165 KEITH THOMAS, RICHARD HAYES, HERB
166 SMITH, and OKLAHOMA POLICE PENSION
& RETIREMENT SYSTEM,

167 Plaintiffs,

168 v.

169 MAGNACHIP SEMICONDUCTOR CORP.
170 SANG PARK, TAE YOUNG HWANG,
171 MARGARET SAKAI, R. DOUGLAS NORBY,
172 ILBOK LEE, NADER TAVAKOLI, RANDAL
173 KLEIN, MICHAEL ELKINS, AVENUE
174 CAPITAL MANAGEMENT II, L.P.,
175 BARCLAYS CAPITAL INC., DEUTSCHE
176 BANK SECURITIES INC., CITIGROUP
177 GLOBAL MARKETS INC., UBS
178 SECURITIES LLC and NEEDHAM &
179 COMPANY, LLC,

180 Defendants.

Case No.: 3:14-cv-01160-JST

CLASS ACTION

Judge: Hon. Jon S. Tigar

**STIPULATION AND PROPOSED
ORDER PURSUANT TO LOCAL RULE
6-2**

181 Avenue Capital Management II, LP (“Avenue Capital”) and Plaintiffs (together with
182 Avenue Capital, the “Parties”), through their undersigned counsel, hereby submit this Stipulation
183 and Proposed Order regarding discovery deadlines:

184 WHEREAS, the scheduling order entered by this Court on April 13, 2016 (ECF No. 223)
185 provided that expert disclosures shall be made on or before February 3, 2017, expert rebuttal reports
186 shall be served on or before March 17, 2017, expert reply reports shall be served on or before April
187 14, 2017, expert discovery shall be complete by May 31, 2017, dispositive motions shall be filed by
188 June 30, 2017, pretrial statements shall be filed by October 17, 2017, a pretrial conference shall take
189 place on October 27, 2017, and a jury trial shall take place beginning December 4, 2017;

190 WHEREAS, by order dated February 13, 2017, the Court extended the deadline for serving
191 expert rebuttal reports from March 17, 2017 to April 14, 2017, and extended the deadline for
192 serving expert reply reports from April 14, 2017 to May 12, 2017;

193 WHEREAS, the parties have not previously requested modification of any other deadlines.
194 Neither party, however, waives the right to petition the Court to extend any other deadline if

1 circumstances warrant;

2 WHEREAS, the Court has not set a deadline for fact discovery, and the parties wish to set
3 such deadline to promote the efficient conduct of this case;

4 WHEREAS, the parties have been diligently pursuing discovery and request additional time
5 to complete depositions; and

6 WHEREAS, the undersigned parties believe that the circumstances described above and in
7 the accompanying joint letter warrant good cause to make the modifications to the schedule
8 requested herein.

9 NOW, THEREFORE, the undersigned hereby stipulate, subject to Court approval, that:

- 10 1. The deadline for completing fact discovery shall be June 30, 2017; provided however
11 that (i) the Parties may mutually agree to limited exceptions to this deadline without
12 seeking Court approval*, and (ii) this deadline shall not apply to discovery solely for the
13 purpose of authenticating documents for use at trial;
- 14 2. The deadline for serving expert rebuttal reports is extended from April 14, 2017 to July
15 7, 2017; provided however that due to Avenue Capital's pending motion to strike
16 ("Motion to Strike") the report of William Purcell ("Purcell Report"), Avenue Capital's
17 deadline to serve rebuttal to the Purcell Report shall be the later of (i) July 7, 2017, and
18 (ii) 30 days after the Court resolves the Motion to Strike;
- 19 3. The deadline for serving expert reply reports is extended from May 12, 2017 to August
20 4, 2017; provided however that Plaintiffs' deadline to serve a reply regarding the Purcell
21 Report shall be the later of (i) August 4, 2017, and (ii) 60 days after the Court resolves
22 the Motion to Strike;
- 23 4. The deadline for completing expert discovery is extended from May 31, 2017 to
24 September 1, 2017; provided however that the deadline to complete expert discovery
25 with respect to William Purcell shall be the later of (i) September 1, 2017, and (ii) 90
26 days after the Court resolves the Motion to Strike;
- 27 5. The deadline for filing dispositive motions is extended from June 30, 2017 to October 4,
28 2017;

* Provided that such exceptions shall not be the basis of extending any other deadlines in the case.

- 1 6. The deadline for filing pretrial statements is extended from October 17, 2017 to March
2 16, 2018;
- 3 7. The pretrial conference scheduled on October 27, 2017 is continued to March 23, 2018
4 or as soon as possible thereafter;
- 5 8. The jury trial scheduled to begin on December 4, 2017 is continued to April 23, 2018 or
6 as soon as possible thereafter;

7
8 Dated: March 22, 2017

9 **IT IS SO STIPULATED:**

10 **AKIN GUMP STRAUSS HAUER**
11 **& FELD LLP**

POMERANTZ LLP

12 /s/ Neal R. Marder

/s/ Joshua B. Silverman

13 Neal R. Marder (SBN 126879)
14 Peter I. Altman (SBN 285292)
15 Ali R. Rabbani (SBN 253730)
16 Andrew S. Jick (SBN 278943)
17 1999 Avenue of the Stars, Suite 600
18 Los Angeles, CA 90067-6022
19 Telephone: 310.229.1000
20 Facsimile: 310.229.1001
21 nmarder@akingump.com
22 paltman@akingump.com
23 arabbani@akingump.com
24 ajick@akingump.com

Patrick V. Dahlstrom
Joshua B. Silverman
Louis C. Ludwig
10 South LaSalle, Ste. 3505
Chicago, Illinois 60603
Telephone: (312) 377-1181
Facsimile: (312) 377-1184
Email: pdahlstrom@pomlaw.com
jbsilverman@pomlaw.com
lcludwig@pomlaw.com

John C. Murphy
One Bryant Park
Bank of America Tower
New York, NY 10036
Telephone: 212.872.1000
Facsimile: 212.872.1002
masaro@akingump.com
jmurphy@akingump.com
sspector@akingump.com

Marc I. Gross
Jeremy A. Lieberman
Michael J. Wernke
600 Third Avenue, 20th Floor
New York, New York 10016
Telephone: (212) 661-1100
Facsimile: (212) 661-8665
Email: migross@pomlaw.com
jalieberman@pomlaw.com
mjwernke@pomlaw.com

25 ***Counsel for Avenue Capital Management II,***
26 ***L.P.***

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE ROSEN LAW FIRM, P.A.
Laurence M. Rosen, Esq. (CSB# 219683)
275 Madison Avenue, 34th Floor
New York, New York 10016
Telephone: (212) 686-1060
Fax: (212) 202-3827
Email: lrosen@rosenlegal.com

Class Counsel

GLANCY PRONGAY & MURRAY LLP
Lionel Z. Glancy (CSB# 134180)
Robert V. Prongay (CSB# 270796)
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 201-9150
Facsimile: (310) 201-9160
Email: info@glancylaw.com

Liaison Counsel

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 22, 2017



Hon. Jon S. Tigar,
United States Dist. Judge