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11 *Co-Lead Interim Class Counsel*

12
 13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

15 IN RE: NVIDIA GTX 970 GRAPHICS
 16 CHIP LITIGATION

CASE NO.: 15-cv-00760-CRB

CLASS ACTION

17 This Document Relates to:

18 ALL ACTIONS.

**STIPULATION ORDER FOR EXTENSION OF
 TIME TO FILE SECOND AMENDED
 CONSOLIDATED COMPLAINT AND TO TAKE
 HEARING ON MOTION TO DISMISS OFF
 CALENDAR**

**Current Motion Date: September 18, 2015
 Time: 10:00 a.m.**

Judge: Hon. Charles R. Breyer

Complaint Filed: February 19, 2015

24 THE PARTIES HERETO STIPULATE AS FOLLOWS:

25 WHEREAS, on June 8, 2015 Plaintiffs filed a First Amended Consolidated Class Action
 26 Complaint (Dkt. No. 67) (“Complaint”), in this consolidated action, consolidating in one Complaint the
 27 allegations and claims asserted in the eight actions on file in this Court;
 28

1 WHEREAS, as stated in the parties' Joint Case Management Conference Statement filed with
2 the Court on July 10, 2015 (Dkt. No. 73), the following related actions are pending in other Districts:
3 *Bailey v. NVIDIA Corporation*, U.S.D.C., W.D. of North Carolina, Case No. 3:15-cv-00119; *Chung v.*
4 *NVIDIA Corporation*, U.S.D.C. District of Maryland, Case No. 8:15-cv-00711; *Giordano v. NVIDIA*
5 *Corporation*, U.S.D.C., District of Colorado, Case No. 1:15-cv-00507; *Palagano v. NVIDIA*
6 *Corporation*, U.S.D.C., E.D. of Pennsylvania, Case No. 2:15-cv-01248; and *Parker v. NVIDIA*
7 *Corporation*, U.S.D.C., M.D. of Georgia, Case No. 1:15-cv-00062;

8 WHEREAS, on July 15, 2015 Defendants in this action filed a Motion to Dismiss pursuant to
9 Fed. R. Civ. Proc. 12(b)(6) directed at the claims asserted in the Complaint, the response to which is
10 currently due on August 14, 2015, and the hearing on which is currently set for September 18, 2015;

11 WHEREAS, pursuant to Fed. R. Civ. P. 15(a), Plaintiffs have until August 5, 2015 as a matter
12 of right to amend their Complaint based upon the filing of the Motion to Dismiss;

13 WHEREAS, on July 20, 2015 argument was held on Defendants' motion to transfer venue in
14 the *Palagano* action to this Court and was taken under submission, with a ruling to be issued after
15 July 31, 2015;

16 WHEREAS, upon reviewing the claims made in that Motion, and in consideration of the
17 pending ruling on the motion to transfer venue in the *Palagano* action that, if granted, would ultimately
18 require Plaintiffs to amend the Complaint in this action to include both the Plaintiff and claims in that
19 action, and in potentially other related actions that are transferred to this Court, the parties agree it
20 would be more efficient to extend Plaintiffs' current deadline to amend the Complaint by
21 approximately six weeks rather than to expend resources responding to the Motion that would be
22 mooted by amending the Complaint for the reasons set forth above;

23 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE that (1) Plaintiffs may have until
24 September 14, 2015 to file a Second Amended Consolidated Complaint in this Action, and (2) the

25 ///
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27 ///
28 ///

1 hearing on the pending Motion to Dismiss be taken off calendar pending the filing of that Complaint.
2 The parties agree the Case Management Conference can remain on calendar.

3 DATED: July 24, 2015

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21 Dated: July 24, 2015

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28 Attorneys for Defendants *NVIDIA Corporation and EVGA Corporation*

1 **Filer's Attestation:** Pursuant to General Order No. 45, §X(B), I attest under penalty of perjury
2 that concurrence in the filing of the within document has been obtained from each signatory.

3 DATED: July 24, 2015

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14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

16 1. Plaintiffs shall have until September 14, 2015 to file a Second Amended Consolidated
17 Complaint in this Action.

18 2. The hearing on Defendants' pending Motion to Dismiss, currently set for September 18,
19 2015 at 10:00 a.m., is hereby ordered off calendar pending the filing of a Second Amended
20 Consolidated Complaint.

21 DATED: July 31, 2015



22
23 HON. CHARLES R. BREYER
United States District Court Judge