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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 ORDER
 CHANGING DATE OF CASE MANAGEMENT
 CONFERENCE AND OTHER PRE-TRIAL
 19 DEADLINES**

20 **Current Date to File**
Second Amended Complaint: September 14, 2015
Current Date for Case
Management Conference: September 18, 2015

21 **Judge: Hon. Charles R. Breyer**

22 **Complaint Filed: February 19, 2015**

23
 24
 25 The parties hereto stipulate as follows, pursuant to Rule 6.2 of the Local Rules of this Court,
 26 based on the facts set forth in the accompanying Declaration of Alan M. Mansfield:

27 WHEREAS, in addition to the actions subject to the Court's consolidation order dated
 28 March 24, 2015 (Dkt. 34), the following related actions are pending throughout the United States:

1 (1) *Bailey v. NVIDIA*, U.S. Dist. Ct. W.D. North Carolina, Case No. 3:15-cv-00119

2 (2) *Chung v. NVIDIA*, U.S. Dist. Ct. District of Maryland (Greenbelt Div.), Case No. 8:15-
3 cv-00711

4 (3) *Giordano v. NVIDIA*, U.S. Dist. Ct. District of Colorado, Case No. 1:15-cv-00507

5 (4) *Parker v. NVIDIA*, U. S. Dist. Ct. M.D. Georgia (Albany Div.), Case No. 1:15-cv-
6 00062-WLS

7 WHEREAS, in an additional related action, *Palagano v. NVIDIA*, U.S. Dist. Ct, Case No. 2:15-
8 cv-01248-GP (E.D. Pa), the Hon. Jean Pratter of the U.S. District Court for the Eastern District of
9 Pennsylvania issued an opinion and order transferring that action to this District on August 25, 2015,
10 and that action is currently pending before the Hon. Magistrate Judge Kandis A. Westmore subject to a
11 stipulation to transfer that action to this Court for purposes of determining if it should consolidated with
12 this action;

13 WHEREAS, counsel for Plaintiffs in the *Bailey*, *Chung*, *Giordano* and *Parker* actions (who are
14 also counsel for Plaintiffs in the *Palagano* action) have agreed to enter into various stipulations to
15 transfer those actions to this Court for purposes of consolidation, which are in the process of being filed
16 with those Courts;

17 WHEREAS, on July 24, 2015, another related action, *Dye v. NVIDIA Corporation*, Case No.
18 15-cv-03428-NC, was filed in this District, and on August 31, 2015 Magistrate Judge Nahanael M.
19 Cousins entered a *Sua Sponte* Judicial Referral order that the *Dye* action be transferred to this Court for
20 purposes of determining whether it should be consolidated with this action;

21 WHEREAS, the *Bailey*, *Chung*, *Giordano*, *Parker*, *Palagano* and *Dye* actions are referred to
22 herein as the “Non-Consolidated Actions”;

23 WHEREAS, in light of the above events, the parties anticipate the Non-Consolidated Actions
24 will soon be transferred to this Court for purposes of determining whether they will be consolidated as
25 part of this action, but do not have a precise timeframe when that process will be completed;

26 WHEREAS, Plaintiffs’ Second Amended Consolidated Complaint is due to be filed on
27 September 14, 2015, which is in all likelihood before all of the Non-Consolidated Actions will have

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1 been transferred to this Court for purposes of determining whether they will be consolidated as part of
2 this action;

3 WHEREAS, the parties believe it would be most efficient if the date to file the Second Amended
4 Consolidated Complaint was continued for a period of time until after the Non-Consolidated Actions
5 are before this Court for purposes of determining whether they will be consolidated as part of this
6 action, rather than potentially need to amend the operative complaint again;

7 WHEREAS, the Court has also set September 14, 2015 as the last date to conduct a mediation
8 in this action (Dkt. No. 70);

9 WHEREAS, while discovery is on-going, the parties have had on-going settlement discussions
10 and have exchanged and continue to exchange information so that any mediation would be a productive
11 part of the parties' on-going discussions, those discussions are not at a point where counsel for the
12 parties believe they are fully prepared to participate in a meaningful mediation by that deadline;

13 WHEREAS, the Court presently has a Case Management Conference on calendar for
14 September 18, 2015 at 10:00 a.m., which date was re-set by Clerk's Notice dated July 16, 2015 (Dkt.
15 No. 77) to coincide with Defendants' previously-filed Motion to Dismiss, which motion was taken off
16 calendar by agreement and Order dated July 31, 2015 to permit the filing of the Second Amended
17 Consolidated Complaint (Dkt. No. 82);

18 In consideration of the above recitals, the parties believe good cause exists to stipulate to the
19 entry of an Order that would revise the present pre-trial dates set by the Court as follows:

20 1. Plaintiffs will file the Second Amended Consolidated Complaint within 14 days after the
21 Court has issued an Order(s) deciding whether to consolidate the Non-Consolidated Actions as part of
22 this action.

23 2. The Case Management Conference shall, at the Court's option, either be vacated, reset
24 by the Court after the Second Amended Consolidated Complaint has been filed, or continued to
25 November 20, 2015, with the parties to file an updated Joint Status Conference Report no later than
26 three (3) court days prior to that conference.

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1 3. The last date to conduct an initial mediation in this action shall be continued to
2 November 16, 2015.

3 DATED: September 3, 2015

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Co-Lead Interim Class Counsel

23 Dated: September 3, 2015

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4 Attorneys for Defendants *NVIDIA Corporation and EVGA Corporation*

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

7 DATED: September 3, 2015

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15 **ORDER**

16 Pursuant to the Stipulation of the Parties and good cause appear therefor, IT IS ORDERED AS
17 FOLLOWS:

18 1. Plaintiffs shall file a Second Amended Consolidated Complaint within 14 days after the
19 Court issues an order whether the Non-Consolidated Actions should be consolidated as part of this
20 action.

21 2. The deadline to conduct an initial mediation in this action is re-set to November 16,
22 2015.

23 3. The Case Management Conference, currently set for September 18, 2015 is continued
24 to November 20, 2015 at 8:30 a.m. The parties are to file an updated Joint Status Conference Report
25 no later than November 17, 2015.

26 Dated: Sept. 4, 2015



27 HON. CHARLES R. BREYER
28 United States District Judge