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

ANDREW OSTROWSKI, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION and
GIGABYTE GLOBAL BUSINESS
CORPORATION D/B/A GIGA-BYTE
TECHNOLOGY CO. LTD.,

Defendants.

Case No. 15-cv-00760-CRB

CLASS ACTION

**STIPULATED ORDER CONSOLIDATING
CASES AND SETTING INITIAL
SCHEDULE**

Judge: Hon. Charles R. Breyer

Complaint Filed: February 19, 2015

PEDRO SANTIAGO,

Plaintiff,

v.

NVIDIA CORPORATION; ASUS
COMPUTER INTERNATIONAL; and
TIGERDIRECT, INC.,

Defendants.

Case No. 15-cv-00789-PSG

CLASS ACTION

MARK ROUSHION, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

Case No. 15-cv-01102-DMR

CLASS ACTION

1 NVIDIA CORPORATION and EVGA
CORPORATION,

2 Defendants.
3

4 Presently before the Court is the Joint Motion to Consolidate Related Actions and
5 Require Filing of a Consolidated Amended Complaint (“Consolidation Motion”) submitted by
6 Plaintiffs in the above entitled cases and joined in by Defendants NVIDIA Corporation, Asus
7 Computer International, Gigabyte Global Business Corporation d/b/a Giga-Byte Technology Co.
8 Ltd and TigerDirect, Inc.

9 The Consolidation Motion seeks consolidation of the following three putative class
10 actions filed on February 19 and 20 and March 9, 2015, which were filed in this District and
11 have been or are in the process of being related to this Court:

- 12 • *Ostrowski v. NVIDIA Corporation, et al.*, No. 15-cv-00760-CRB
- 13 • *Santiago v. NVIDIA Corporation, et al.*, No. 15-cv-00789-PSG
- 14 • *Roushion v. NVIDIA Corporation, et al.*, No. 15-cv-01102-DMR

15 Based on a review of the complaints in the above actions, the Court finds each of the
16 actions listed above meets the prerequisites for pre-trial consolidation under Federal Rule of
17 Civil Procedure 42(a). The Court finds all parties and the Court would benefit from the
18 efficiency that would result from consolidation. The parties collectively agree the above cases
19 should be consolidated for all purposes as part of *Ostrowski v. NVIDIA Corporation, et al.*, Case
20 No. 25-cv-00760-CRB.

21 **IT IS THEREFORE HEREBY ORDERED:**

22 **I. CONSOLIDATION OF RELATED CASES**

23 1. Pursuant to Federal Rule of Civil Procedure 42(a), the actions listed above are
24 hereby consolidated for all proceedings before this Court. The consolidated action shall be
25 captioned:

26 *In re NVIDIA GTX 970 Graphics Chip Litigation*, Case No. 15-cv-00760-CRB.

27 ///

28 ///

1 **II. MASTER DOCKET AND CAPTION**

2 2. The docket in *Ostrowski v. NVIDIA Corporation, et al.*, Case No. 15-cv-00760-
3 CRB shall constitute the Master Docket for this action.

4 3. Every pleading filed in the consolidated action shall bear the following caption:

5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 SAN FRANCISCO DIVISION

8 IN RE: NVIDIA GTX 970 GRAPHICS CHIP
9 LITIGATION

10 This Document Relates to:
11

12 4. When the document being filed pertains to all actions, the phrase “All Actions”
13 shall appear immediately after the phrase “This Document Relates To:”. When a pleading
14 applies to one, but not all actions, the document shall list the docket number for each individual
15 action to which the document applies, along with the last name of the first-listed plaintiff in said
16 action (*e.g.*, “No. 15-cv-00760-CRB (Ostrowski)”) immediately after the phrase “This Document
17 Relates to:”.

18 5. The Parties shall file a Notice of Related Case pursuant to Civil Local Rule 3-12
19 whenever a new case that should be related or consolidated into this action is filed in, or
20 transferred to, this District. If the parties agree that a case should be consolidated as part of these
21 proceedings, they shall file a stipulation for an order of consolidation with the Court. If the
22 Court determines the case is related and should be consolidated, the clerk shall:

- 23 a. Place a copy of this Order in the separate file for such action;
24 b. Serve on Plaintiff’s counsel in the new case a copy of this Order;
25 c. Direct this Order be served upon Defendants in the new case; and
26 d. Make the appropriate entry in the Master Docket.

27 If the parties do not agree that the new case should be consolidated, any party may file a
28 motion for consolidation under Rule 42 for the Court’s consideration.

1 **III. SCHEDULE AND RELATED MATTERS**

2 6. Plaintiffs shall file a Consolidated Amended Complaint within thirty (30) days
3 after the entry of this Order, unless otherwise agreed upon by the parties and approved by the
4 Court. This complaint shall be the operative complaint for all further proceedings. Any motions
5 pending that are directed at or related to any of the complaints filed in the actions subject to this
6 Order shall be deemed withdrawn, with Defendants reserving all rights to re-file such motions or
7 to separately agree to request this Court rule upon such motions based on the submitted briefing.
8 Defendants are not required to respond to the complaints in any action consolidated into this
9 action other than to the Consolidated Amended Complaint, with Defendants reserving the right
10 to file further responsive pleadings to a particular proceeding after remand to the transferor
11 forum for trial.

12 7. Defendants shall file responsive pleadings to the Consolidated Amended
13 Complaint within thirty (30) days after service, unless otherwise agreed upon by the parties and
14 approved by the Court. If Defendants file any motions directed at the Consolidated Amended
15 Complaint, the opposition and reply briefs shall be filed within thirty days (30) and twenty-one
16 (21) days, respectively, of that response, unless otherwise agreed upon by the parties or ordered
17 by the Court.

18 8. All other dates set in the *Ostrowski* action shall remain on calendar absent further
19 Order from the Court.

20 **IV. MODIFICATION OF THIS ORDER**

21 9. This Order may be modified or supplemented by the Court or on motion by any
22 party for good cause shown.

23 DATED: March 24, 2015



HON. CHARLES R. BREYER
District Judge

24 So Stipulated by All Parties:

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