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7 Attorneys for Defendants
 SUPER MICRO COMPUTER, INC., CHARLES
 8 LIANG, and PERRY G. HAYES

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 **LOGAN HESSEFORT, individually and**
 14 **on behalf of all others similarly situated,**

15 **Plaintiff,**

16 **v.**

17 **SUPER MICRO COMPUTER, INC.,**
 18 **CHARLES LIANG, HOWARD**
HIDESHIMA, and PERRY G. HAYES,

19 **Defendants.**

Case No. 3:18-CV-00838-JST

JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
TIME FOR DEFENDANTS TO FILE
RESPONSE TO AMENDED
COMPLAINT

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 JOINT STIP AND [PROPOSED] ORDER TO
 EXTEND TIME FOR DEFENDANTS TO FILE
 RESPONSE TO AMENDED COMPLAINT

1 WHEREAS, on February 8, 2018, two class action complaints were filed against
2 Defendants Super Micro Computer, Inc. (the “Company”), Charles Liang, and Howard
3 Hideshima: (1) *Hessefort v. Super Micro Computer, Inc.*, No. 3:18-cv-838 (ECF No. 1), and (2)
4 *United Union of Roofers, Waterproofers & Allied Workers Local Union No. 8 WBPA Fund v.*
5 *Super Micro Computer, Inc.*, No. 3:18-cv-850-JST (ECF No. 1) (collectively, the “Complaints”);

6 WHEREAS, the Complaints allege claims under the federal securities laws, regarding,
7 among other matters, the Company’s failure to timely file its 2017 Annual Report on Form 10-K
8 and other financial statements in light of an internal investigation into revenue recognition, that
9 are subject to the procedural requirements of the Private Securities Litigation Reform Act of 1995
10 (“Reform Act”), including those set forth in 15 U.S.C. §78u-4.

11 WHEREAS, on May 8, 2018, upon motion by New York Hotel Trades Council & Hotel
12 Association of New York City, Inc. Pension Fund (“Pension Fund”), the Court found *United*
13 *Union of Roofers, Waterproofers & Allied Workers Local Union No. 8 WBPA Fund v. Super*
14 *Micro Computer, Inc.*, No. 3:18-cv-850-JST, related to *Hessefort v. Super Micro Computer, Inc.*,
15 No. 3:18-cv-838.

16 WHEREAS, on May 25, 2018, the Court appointed the Pension Fund as lead plaintiff,
17 approved Plaintiff’s selection of Robbins Geller Rudman & Dowd as lead counsel, and
18 consolidated *United Union of Roofers, Waterproofers & Allied Workers Local Union No. 8*
19 *WBPA Fund v. Super Micro Computer, Inc.*, No. 3:18-cv-850-JST, and *Hessefort v. Super Micro*
20 *Computer, Inc.*, No. 3:18-cv-838 (ECF No. 46);

21 WHEREAS, on June 25, 2018, the parties stipulated to and filed with the Court a
22 proposed schedule governing the deadlines related to pleadings in this matter (“June 25, 2018
23 Joint Stipulation”), which reflected the Company’s hope that it would become current with its
24 U.S. Securities and Exchange Commission (“SEC”) filings by August 24, 2018 and which also
25 would have provided Pension Fund time to consider those filings in connection with filing an
26 amended complaint;

27 WHEREAS, on June 26, 2018, the Court filed its order approving the June 25, 2018 Joint
28 Stipulation (“June 26, 2018 Scheduling Order”);

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1 WHEREAS, on August 21, 2018, the Company announced that it had submitted a letter to
2 Nasdaq stating that the Company will not be able to complete and file its Annual Report on Form
3 10-K for its fiscal year ended June 30, 2017 and its Quarterly Reports on Form 10-Q for its fiscal
4 quarters ended September 30, 2017, December 31, 2017 and March 31, 2018 with the Securities
5 and Exchange Commission (“SEC”) by August 24, 2018;

6 WHEREAS, on September 24, 2018, Plaintiff filed its Consolidated Class Action
7 Complaint for Violation of the Federal Securities Laws (ECF No. 51) against the Company,
8 Charles Liang, Howard Hideshima, and Perry G. Hayes (collectively, “Defendants”) (the
9 “Consolidated Complaint”);

10 WHEREAS, pursuant to the June 26, 2018 Scheduling Order, the Defendants’ responses
11 to the Consolidated Complaint are due on or before November 8, 2018;

12 WHEREAS, as of the date of the filing of this stipulation, the Company has not become
13 current with its SEC filings;

14 WHEREAS, the Company’s delinquent SEC filings, which when filed may or may not
15 include some restatement of the Company’s historical financial statements, will likely bear
16 directly on Plaintiff’s allegations;

17 WHEREAS, the Company expects to determine on or before November 16, 2018 whether
18 an announcement regarding reliance on its historical financial statements is required and, thus,
19 whether some restatement of those historical financial statements is warranted;

20 WHEREAS, such a near term announcement by the Company may warrant further
21 amendment of the Consolidated Complaint;

22 WHEREAS, after meeting and conferring, in order to avoid the unnecessary expenditure
23 of judicial resources or effort by the Court or the parties, the parties have agreed to extend the
24 time for Defendants to respond to the Consolidated Complaint by 13 days to November 21, 2018,
25 at which time either: (1) if the Company has made an announcement on or before November 16,
26 2018, that its historical financial statements cannot be relied upon and/or a restatement is
27 warranted, the parties will present for the Court’s approval a new proposed schedule to supersede
28 the June 26, 2018 Scheduling Order; or (2) Defendants will file their responses to the

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1 Consolidated Complaint and, if applicable, briefing on a motion to dismiss will proceed under the
2 timeline set forth in the June 26, 2018 Scheduling Order providing 45 days for plaintiffs'
3 opposition briefing and 30 days for defendants' reply briefing.

4 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
5 stipulate as follows:

6 1. In the event the Company makes an announcement that its historical financials can
7 no longer be relied upon and/or a restatement of historical financials is warranted, on or before
8 November 21, 2018, the parties shall present for the Court's consideration a new proposed
9 schedule for an amendment to the Consolidated Complaint and any response thereto to supersede
10 the June 26, 2018 Scheduling Order. Otherwise, on or before November 21, 2018, the
11 Defendants shall file and serve their responses to the Consolidated Complaint with briefing on
12 any motion to dismiss to proceed as set forth in the June 26, 2018 Scheduling Order.

13
14 DATED: November 5, 2018

JONES DAY

15 /s/ Stephen D. Hibbard

16 Stephen D. Hibbard

17 John C. Tang

Nathaniel P. Garrett

555 California Street, 26th Floor

San Francisco, CA 94104

Telephone: 415-875-5809

20 Counsel for Super Micro Computer, Inc.,
21 Charles Liang, and Perry G. Hayes

22 DATED: November 5, 2018

PAUL HASTINGS LLP

24 /s/ Nicolas Morgan

Nicolas Morgan

515 South Flower Street, 25th Floor

Los Angeles, CA 90072

Telephone: 213-683-6181

27 Counsel for Defendant Howard Hideshima

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JOINT STIP AND [~~PROPOSED~~] ORDER TO
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DATED: November 5, 2018

ROBBINS GELLER RUDMAN & DOWD
LLP

/s/ Shawn A. Williams
Shawn A. Williams
Daniel J. Pfefferbaum
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
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Counsel for Lead Plaintiff New York Hotel
Trades Council & Hotel Association of New
York City, Inc. Pension Fund

I, Stephen D. Hibbard, am the ECF User whose ID and password are being used to file
this JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR
DEFENDANTS TO FILE RESPONSE TO AMENDED COMPLAINT. In compliance with
Local Rule 5-1(i)(3), I hereby attest that counsel for Lead Plaintiff, Daniel J. Pfefferbaum, and
Defendant Howard Hideshima, Nicolas Morgan, concur in this filing.

DATED: November 5, 2018

/s/ Stephen D. Hibbard
Stephen D. Hibbard

* * *

[PROPOSED] ORDER

IT IS SO ORDERED.

DATED: November 7, 2018


THE HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE

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