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7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11
 12 In re NVIDIA CORP. DERIVATIVE
 LITIGATION

Master File No. C-06-06110-SBA (JCS)

13 STIPULATION AND ORDER
 REGARDING BRIEFING SCHEDULE

14 This Document Relates To:

15 ALL ACTIONS.
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1 This Stipulation is entered into by and among co-lead plaintiffs, the Nominal Defendant
2 NVIDIA Corp. (“NVIDIA”), and the individuals named as defendants in this action, through their
3 attorneys of record.

4 WHEREAS, on May 22, 2008 NVIDIA and plaintiffs in all three derivative options
5 actions (Delaware Chancery, Santa Clara Superior, and Northern District of California) engaged
6 in a global mediation session before Judge Infante;

7 WHEREAS, at the mediation, the parties made significant progress towards resolution of
8 the underlying derivative matters, and continue to engage in further settlement discussions;

9 WHEREAS, the deadlines set forth in the parties' prior Stipulation and Court Order
10 required plaintiffs to re-submit to the Court their Second Amended Complaint on or before
11 August 18, 2008, defendants to file their motions to dismiss on or before September 12, 2008,
12 plaintiffs to file their opposition briefs on or before October 8, 2008, and defendants to file their
13 reply briefs on or before October 21, 2008;

14 WHEREAS, in light of the continuing settlement discussions, and in the interests of
15 conserving party and Court resources, the parties mutually agree and seek the Court’s approval to
16 postpone any further activity in this case until September 8, 2008;

17 WHEREFORE, IT IS STIPULATED AND AGREED that:

- 18 1. If the case does not settle on or before September 8, 2008, plaintiffs will re-submit
19 to the Court their Second Amended Complaint by September 8, 2008.
- 20 2. The parties will meet and confer regarding the Court's April 23, 2008 order
21 denying plaintiffs’ Administrative Motion to Seal Portions of the Second
22 Amended Complaint and, if necessary, plaintiffs will file a renewed administrative
23 motion on or before September 8, 2008.
- 24 3. Defendants will file their motions to dismiss on or before October 6, 2008.
- 25 4. Plaintiffs will file their opposition briefs on or before November 3, 2008.
- 26 5. Defendants will file their reply briefs on or before November 26, 2008.
- 27 6. The parties will re-notice the hearing on defendants’ motion to dismiss for
28 December 9, 2008.

1 DATED: August 15, 2008

Respectfully Submitted,

2 ORRICK, HERRINGTON & SUTCLIFFE LLP
3 MICHAEL D. TORPEY
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1 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*
2 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*
3 *with General Order 45, X.B., I hereby attest that Travis E. Downs III has concurred in this filing.*

4 DATED: August 15, 2008

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* * *

ORDER

Based on the stipulation of the signed parties, and good cause appearing, IT IS HEREBY ORDERED that:

1. If the case does not settle on or before September 8, 2008, plaintiffs will re-submit to the Court their Second Amended Complaint by September 8, 2008.
2. The parties will meet and confer regarding the Court's April 23, 2008 order denying plaintiffs' Administrative Motion to Seal Portions of the Second Amended Complaint and, if necessary, plaintiffs will file a renewed administrative motion on or before September 8, 2008.
3. Defendants will file their motions to dismiss on or before October 6, 2008.
4. Plaintiffs will file their opposition briefs on or before November 3, 2008.
5. Defendants will file their reply briefs on or before November 26, 2008.
6. The hearing on defendants' motion to dismiss will be re-noticed for December 9, 2008.

IT IS SO ORDERED.

DATED: 9/2/08



THE HONORABLE
SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE