

1 GIBSON, DUNN & CRUTCHER LLP
 2 JOEL S. SANDERS, SBN 107234,
 3 JSanders@gibsondunn.com
 4 G. CHARLES NIERLICH, SBN 196611,
 5 GNierlich@gibsondunn.com
 6 MICHAEL CECCHINI, SBN 237508,
 7 MCecchini@gibsondunn.com
 8 555 Mission Street, Suite 3000
 9 San Francisco, California 94105-2933
 10 Telephone: (415) 393-8200
 11 Facsimile: (415) 393-8306

12 Attorneys for Defendants
 13 MICRON TECHNOLOGY, INC. AND MICRON
 14 SEMICONDUCTOR PRODUCTS, INC.

15 [additional counsel listed on signature page]

16 UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND DIVISION

19 ALL AMERICAN SEMICONDUCTOR, INC.,

CASE NO. 07-cv-1200 (PJH)

20 v.

21 HYNIX SEMICONDUCTOR, INC., *et al.*

22 _____
 23 JACO ELECTRONICS, INC.,

CASE NO. 07-cv-1212 (PJH)

24 v.

25 HYNIX SEMICONDUCTOR, INC., *et al.*

26 _____
 27 DRAM CLAIMS LIQUIDATION TRUST,

CASE NO. 07-cv-1381 (PJH)

28 v.

HYNIX SEMICONDUCTOR, INC., *et al.*

**JOINT STIPULATION AND [~~PROPOSED~~]
 ORDER TO POSTPONE CASE
 MANAGEMENT CONFERENCE**

1 Plaintiffs All American Semiconductor, Inc., Jaco Electronics, Inc., and DRAM Liquidation
2 Trust (collectively, "Plaintiffs") and Defendants Micron Technology, Inc., Micron Semiconductor
3 Products, Inc. (collectively, "Micron") and Nanya Technology Corp. and Nanya Technology Corp.
4 USA hereby stipulate as follows:

5 WHEREAS, counsel for Plaintiffs and Micron have been engaged in mediation of these cases;

6 WHEREAS, the issue of whether Micron is entitled to civil leniency pursuant to the Antitrust
7 Criminal Penalty Enhancement and Reform Act of 2004 ("ACPERA") has been an obstacle to the
8 Plaintiffs' and Micron's ability to successfully settle these cases;

9 WHEREAS, Plaintiffs and Micron have reached an agreement, as to which the parties have
10 agreed upon the essential terms and which they expect to be finalized within ten (10) business days,
11 whereby the ACPERA issue will be briefed and decided through a private panel;

12 WHEREAS, the briefing and decision on the ACPERA issue through the private panel will
13 resolve Plaintiffs' claims as to Micron;

14 WHEREAS, due to the progress between Plaintiffs and Micron on the ACPERA issue, the
15 Case Management Conference currently scheduled for October 21, 2010 at 2:00 p.m. should be
16 postponed to allow Plaintiffs and Micron the opportunity to resolve all of Plaintiffs' claims against
17 Micron;

18 IT IS HEREBY STIPULATED by and between Plaintiffs and Defendants that the Court
19 should postpone the Case Management Conference currently scheduled for October 21, 2010 at 2:00
20 p.m. until Thursday, February 17, 2010 at 2:00 p.m.

21 IT IS SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED.

22 DATED: October 20, 2010

23 GIBSON, DUNN & CRUTCHER LLP
24 JOEL S. SANDERS
25 MICHAEL CECCHINI

26 By: /s/ Michael Cecchini
27 Michael Cecchini

28 Attorneys for Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JAMES M. LOCKHART

By: /s/ James P. McCarthy
James P. McCarthy

Attorneys for Plaintiffs
DRAM CLAIMS LIQUIDATION TRUST,
THROUGH ITS TRUSTEE, WILMINGTON TRUST
FSB

ATTESTATION OF FILING

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Michael Cecchini, hereby attest that concurrence in the filing of this Stipulation and [Proposed] Order to Continue the Case Management Conference has been obtained from Scott N. Wagner, Peter W. James, James M. Lockhart, and Howard M. Ullman that have provided conformed signatures above.

 /s/ Michael Cecchini
Michael Cecchini

100958009_1.DOC

1 **[PROPOSED] ORDER**

2
3 IT IS SO ORDERED.

4 Date: October 20, 2010



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

I, Daniel Nerney, declare as follows:

I am employed in the County of San Francisco, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission Street, Suite 3000, San Francisco, California, 94105, in said County and State. On October 20, 2010, I served the within:

JOINT STIPULATION AND [PROPOSED] ORDER TO POSTPONE CASE MANAGEMENT CONFERENCE

to all named counsel of record as follows:



BY ECF (ELECTRONIC CASE FILING): I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service on October 20, 2010. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Declaration of Service was executed by me on October 20, 2010, at San Francisco, California.

/s/ Daniel Nerney

Daniel Nerney

[100958103_1.DOC](#)