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

20 IN RE DYNAMIC RANDOM ACCESS
 21 MEMORY (DRAM) ANTITRUST
 22 LITIGATION

Master File No. M-02-1486 PJH
 MDL No. 1486

**STIPULATION AND [PROPOSED]
 ORDER VACATING MAY 6, 2010
 CASE MANGAGEMENT
 CONFERENCE**

23 _____
 24 This Document Relates to:

25 *Preis et. al. v. Hitachi, Ltd., et al.,*
 26 Case No. CV 10-0346 PJH

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 STIPULATION AND [PROPOSED] ORDER VACATING MAY 6, 2010 CASE
 MANAGEMENT CONFERENCE; Civil Action No.: CV 10 0346 PJH, MDL No. 1486

1 **STIPULATION**

2 This Stipulation is entered into pursuant to Northern District of California Civil Local
3 Rule 7-11(a) between Plaintiff Alan Preis and defendants Hitachi, Ltd., Mitsubishi Electric
4 Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba Corporation and Toshiba
5 America Electronic Components, Inc. in *Alan Preis v. Hitachi, Ltd., et al.* (“Preis”) filed January
6 25, 2010, and assigned to the Honorable Phyllis J. Hamilton, and is made with reference to the
7 following facts:

8 WHEREAS, plaintiff Alan Preis filed a class action complaint against defendants Hitachi,
9 Ltd., Mitsubishi Electric Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba
10 Corporation and Toshiba America Electronic Components, Inc. on January 25, 2010, alleging a
11 conspiracy to illegally fix, raise, maintain and/or stabilize the prices charged for DRAM;

12 WHEREAS, on January 29, 2010, plaintiff Alan Preis filed an Administrative Motion To
13 Consider Whether Cases Should Be Related to *In Re Dynamic Random Access Memory Antitrust*
14 *Litigation*, (“DRAM”) Master File No. M-02-1486 PJH, MDL No. 1486, filed in the Northern
15 District of California and assigned to the Honorable Phyllis J. Hamilton (“Related Case
16 Motion”);

17 WHEREAS, On February 3, 2010 the Honorable Phyllis J. Hamilton issued a Related
18 Case Order, relating the *Preis* matter with *DRAM*;

19 WHEREAS, on February 5, 2010 the parties entered into a Stipulation And [Proposed]
20 Order Re Acceptance Of Service Of Summons And Complaint And Extension Of Time To
21 Respond to the *Preis* complaint, which states that the deadline for an answer or other response to
22 the *Preis* complaint, if necessary, is after the Court rules on the class action settlements.

23 WHEREAS, on February 16, 2010 the Court issued an Order setting a case management
24 conference for May 6, 2010 (see Document No. 7);

25 WHEREAS, On April 1, 2010, Plaintiff filed a Motion for Preliminary Approval of Class
26 Action Settlements with Defendants (1) Mitsubishi Electric Corporation and Mitsubishi Electric
27

1 and Electronics USA, Inc. (“Mitsubishi”); (2) Hitachi, Ltd. (“Hitachi”); and (3) Toshiba America
2 Electronic Components, Inc., and Toshiba Corporation (“Toshiba”);

3 WHEREAS, the hearing date for Plaintiffs Motion for Preliminary Approval of Class
4 Action Settlements has been re-noticed for May 12, 2010;

5 WHEREAS, the parties believe that all matters that would be covered at the May 6, 2010
6 Case Management Hearing can be addressed with the Court at the May 12, 2010 hearing for
7 Preliminary Approval of Class Action Settlements;

8
9 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the Case**
10 **Management Conference hearing scheduled for May 6, 2010 shall be taken off calendar.**
11 **Any future Court dates will be addressed and set at the May 12, 2010 hearing on the**
12 **Motion for Preliminary Approval of Class Action Settlements.**

13 Dated: April 12, 2010

14 /s/ R. Alexander Saveri
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Counsel for Plaintiff Alan Preis

1 Dated: April 12, 2010

/s/ Matthew T. Jacobs
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Craig P. Seebald
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Counsel for Hitachi, Ltd.

8 Dated: April 12, 2010

/s/ Michael T. Brody
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Los Angeles, CA 90071

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*Counsel for Mitsubishi Electric Corporation and
Mitsubishi Electric & Electronics USA, Inc.*

17 Dated: April 12, 2010

/s/ Belinda S. Lee
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*Counsel for Toshiba America Electronic
Components, Inc. and Toshiba Corporation*

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

26 Dated: 4/16/10

27 The Honorable Ph
United States Distri



1 **ATTESTATION OF FILING**

2 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I, Cadio Zirpoli, hereby
3 attest that concurrence in the filing of this stipulation and proposed order has been obtained from
4 Counsel for each of the named parties with conformed signatures listed above.

5 Dated: April 12, 2010

SAVERI & SAVERI, INC.

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By: ____/s/ Cadio Zirpoli_____

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