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14 **[Counsel For Additional Stipulating Parties Listed On Signature Page]**

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

18 DR. DAN OLIVER, JEANNIE OLIVER,)	Case No. 4:11-cv-01260-JSW
JOE SOLO, BERNARD GROSS, SUSAN)	
19 KEELIN, WALTER KVASNIK, KOU)	JOINT STIPULATION AND
SRIMOUNGHANCH, HUMBERTO)	[PROPOSED] ORDER REGARDING
20 GONZALEZ, SAMUEL D. LEGGETT,)	TIME TO FILE SECOND AMENDED
BRIAN ALBEE, MARY LOUISE)	COMPLAINT, MOTION TO DISMISS
21 FOWLER, JOE SHAW, and RHONDA)	BRIEFING SCHEDULE AND PAGE
SHULTZ, on their own behalves and on)	LIMITS, AND STAY OF DISCOVERY
22 behalf of all others similarly situated,)	
)	The Hon. Jeffrey S. White
23 Plaintiffs,)	Courtroom 5, 2 nd Floor
v.)	
24)	
SD-3C LLC; PANASONIC CORP.;)	
25 PANASONIC CORP. OF NORTH)	
AMERICA; TOSHIBA CORP.; TOSHIBA)	
26 AMERICA ELECTRONIC)	
COMPONENTS, INC.; and)	
27 SANDISK CORP.)	
)	
28 Defendants.)	

1 WHEREAS, on December 12, 2014 the Court granted the joint motion to set a Case
2 Management Conference filed by the indirect purchaser plaintiffs (“Plaintiffs”) and defendants
3 Panasonic Corporation, Panasonic Corporation of North America, Toshiba Corporation, Toshiba
4 America Electronic Components, Inc., SD-3C, LLC, and SanDisk Corporation (collectively,
5 “Defendants”) and set a Case Management Conference for February 6, 2015;

6 WHEREAS, Plaintiffs seek to file a Second Amended Complaint;

7 WHEREAS, in light of the Court’s orders in connection with the Case Management
8 Conference held in the related *Samsung* action on January 9, 2015, the parties in this action have
9 reached certain agreements that they believe will obviate the need for the Court to hold a Case
10 Management Conference at this time;

11 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES HERETO, through
12 their respective counsel, subject to the approval to the Court, that:

- 13 1. The Case Management Conference on calendar for February 6, 2015, and the
14 deadline to file a Joint Case Management Statement, should be taken off calendar;
- 15 2. Plaintiffs will file their Second Amended Complaint on or before February 3, 2015;
- 16 3. By stipulating to the filing of the Second Amended Complaint, Defendants do not
17 consent to any amendment that would expand the legal issues to be resolved by the Court. To the
18 extent Defendants believe any particular amendment is improper, they shall advise Plaintiffs of
19 which portions of the Second Amended Complaint they deem improper, in which case Plaintiffs
20 shall promptly move for leave to amend the complaint in those respects, and Defendants reserve all
21 rights to oppose the amendment. Notwithstanding the foregoing, Plaintiffs have advised
22 Defendants that they intend to amend to add a cause(s) of action under Florida law for the alleged
23 Florida subclass, and Defendants do not object in principle that such amendment is improper;
- 24 4. Defendants may file a single joint motion to dismiss the Plaintiffs’ Second
25 Amended Complaint and a consolidated memorandum of points and authorities in support of their
26 joint motion; Plaintiffs may file a single opposition to Defendants’ joint motion to dismiss; and
27 Defendants may file a single consolidated reply to Plaintiffs’ opposition;
- 28 5. Defendants will file their motion to dismiss on or before February 27, 2015;

1 6. Plaintiffs will file their opposition to Defendants' motion to dismiss on or before
2 March 13, 2015;

3 7. Defendants will file their reply to Plaintiffs' opposition on or before March 20,
4 2015;

5 8. Defendants shall have a page limit of thirty-five (35) pages for their consolidated
6 brief in support of their joint motion to dismiss (notwithstanding that the six defendants would be
7 entitled to an aggregate of ninety pages, or fifteen pages each, pursuant to the Court's Civil
8 Standing Orders); Plaintiffs shall have a page limit of thirty-five (35) pages for their brief in
9 opposition; and Defendants shall have a page limit of twenty (20) pages for their consolidated brief
10 in reply;

11 9. ~~Plaintiffs request that that Defendants' motion to dismiss be set for hearing on~~
12 ~~March 27, 2015, at 9:00 a.m., the same date and time that the motion to dismiss in the related~~
13 ~~action, *Samsung v. Panasonic Corp.*, No. 10-cv-3098, is scheduled for hearing. Defendants~~
14 ~~neither oppose nor join this request. Should the Court deny Plaintiffs' request and strike this~~
15 ~~paragraph from this Stipulation, Defendants will notice their motion to dismiss for hearing on the~~
16 ~~first date available in accordance with the N.D. Cal. Civil Local Rules and the Court's Calendar~~

17 ~~Scheduling Notes;~~ The hearing in the related matter shall be continued to same date as hearing
18 in this matter.

19 10. The stay of discovery in this case, which has been in effect pursuant to a stipulation
20 among the parties that was So Ordered by the Court on June 28, 2011 and renewed on February
21 13, 2012, shall remain in effect pending further order of the Court lifting or modifying the stay, or
22 setting a Case Management Conference in the event that the Court denies or denies in part
23 Defendants' motion to dismiss;

24 11. No party shall serve requests for discovery until the stay has expired;

25 12. The parties shall not be required to serve initial disclosures, pursuant to Federal
26 Rule of Civil Procedure 26(a), until the stay of discovery has expired;

27 13. This Stipulation is made without prejudice to any party's right to move to extend
28 the stay of discovery;

 14. The parties agree and stipulate that they will confer and propose to the Court a date

1 for the Case Management Conference and associated discovery and ADR obligations after the stay
2 requested herein expires;

3 15. This Stipulation applies to this proceeding only.
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7 **[PROPOSED] ORDER**

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: February 2, 2015

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11 Hon. Jeffrey S. White
12 United States District Judge
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1 Dated: January 30, 2015

Respectfully submitted,

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By: /s/ Jeffrey L. Kessler

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*Pursuant to N.D. Cal. L.R. 5-1(i)(3), the filer attests that concurrence
in filing of this document has been obtained from the above signatories*