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 13 Counsel for Defendants Yingli Green Energy Holding Co. Ltd.  
 14 and Yingli Green Energy Americas, Inc.

15 [Counsel listed on signature page]

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

19 Solyndra LLC,

20 Plaintiff,

21 v.

22 Suntech Power Holdings Co., Ltd., Suntech  
 23 America, Inc., Trina Solar Limited, Trina Solar  
 24 (U.S.), Inc., Yingli Green Energy Holding Company  
 25 Limited, Yingli Green Energy Americas, Inc.

26 Defendants.

Case No. CV-12-05272-SBA (EDL)

**JOINT STIPULATION AND ORDER  
 EXTENDING TIME TO RESPOND  
 TO COMPLAINT AND FOR INITIAL  
 DISCLOSURES**

1 WHEREAS, Plaintiff Solyndra LLC (“Solyndra”) filed a complaint in the above-  
2 captioned case against Defendants Suntech Power Holdings Co., Ltd., Suntech America Inc., Trina  
3 Solar Limited, Trina Solar (U.S.), Inc., Yingli Green Energy Holding Company Limited, and Yingli  
4 Green Energy Americas, Inc. (collectively, “Defendants”) on October 11, 2012 (the “Complaint”);

5 WHEREAS, on December 10, 2012, this Court approved the parties’ joint stipulation  
6 extending Defendants’ deadline to move to dismiss, answer, or otherwise respond to the Complaint  
7 until January 22, 2013, and also approved the briefing schedule outlined therein for any motion to  
8 dismiss (Dkt. No. 24);

9 WHEREAS, Plaintiff has stated that it presently intends to file an amended Complaint  
10 on or around January 29, 2013;

11 WHEREAS, in consideration of Plaintiff’s forthcoming amended Complaint, the  
12 parties have met and conferred and agreed to extend Defendants’ deadline to move to dismiss, answer  
13 or otherwise respond to the Complaint;

14 WHEREAS, the parties have also agreed to meet and confer within a reasonable time  
15 after the filing of Plaintiff’s amended Complaint, in order to reach agreement on a new deadline for  
16 Defendants’ planned joint motion to dismiss, to be requested via a stipulation that will be filed with  
17 the Court no later than February 12, 2013;

18 WHEREAS, in consideration of Plaintiff’s forthcoming amended Complaint, the  
19 parties have also agreed to request an extension of the deadline for all parties’ initial disclosures  
20 under Fed. R. Civ. P. 26(a), from January 31, 2013 to February 28, 2013, in light of Plaintiff’s  
21 anticipated amended Complaint;

22 WHEREAS, the parties have previously requested two time modifications from the  
23 Court, (i) extending time to respond to Plaintiff’s complaint and implementing a stipulated briefing  
24 schedule (Dkt. No. 24), as set out above, and (ii) granting a one-week extension for Defendants’  
25 opposition to Plaintiff’s motion for early discovery, in light of the holidays (Dkt. No. 33); and

26 WHEREAS, the stipulated requested modifications would not otherwise alter the  
27 schedule for this case.  
28

1 NOW, THEREFORE, the parties hereby stipulate and agree that:

2 (1) Defendants' deadline to move to dismiss, answer, or otherwise respond to the  
3 Complaint will be extended from January 22, 2013 to a date to be agreed upon by stipulation, such  
4 stipulation to be filed with the Court no later than February 12, 2013; and

5 (2) The deadline for all parties' initial disclosures under Fed. R. Civ. P. 26(a) will  
6 be extended from January 31, 2013 to February 28, 2013.  
7

8 Dated: January 22, 2013

SIMPSON THACHER & BARTLETT LLP

9  
10 By: /s/ James Kreissman

*James Kreissman*

Matthew J. Reilly

11  
12 *Attorneys for Defendants*

13 Yingli Green Energy Holding Co. Ltd. and

14 Yingli Green Energy Americas, Inc.

15 SHEARMAN & STERLING LLP

16 By: /s/ James Donato

*James Donato*

Mikael Abye

17  
18 *Attorneys for Defendants*

19 Suntech Power Holdings Co., Ltd. and

20 Suntech America, Inc.

21 KIRKLAND & ELLIS LLP

22  
23 By: /s/ Eliot A. Adelson

*Eliot A. Adelson*

Daniel E. Laytin

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25 *Attorneys for Defendants*

26 Trina Solar Limited and

27 Trina Solar (U.S.), Inc.  
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WINSTON & STRAWN LLP

By: /s/ William C. O'Neil  
*William C. O'Neil*

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*Attorneys for Plaintiff*  
Solyndra LLC

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

(1) Defendants' deadline to move to dismiss, answer, or otherwise respond to the Complaint shall be extended from January 22, 2013 to a date to be agreed upon by stipulation, such stipulation to be filed with the Court no later than February 12, 2013; and

(2) The deadline for all parties' initial disclosures under Fed. R. Civ. P. 26(a) shall be extended from January 31, 2013 to February 28, 2013.

Dated: \_1/24/13

  
\_\_\_\_\_  
The Honorable Sandra B. Armstrong  
United States District Judge

1 **ATTESTATION OF CONCURRENCE IN FILING**

2 Pursuant to the Northern District of California’s General Order No. 45, Section X(B)  
3 and Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained  
4 from Defendants’ counsel James Donato, Mikael Abye, Eliot A. Adelson, and Daniel E. Laytin and  
5 Plaintiff’s counsel William C. O’Neil.

6 Dated: January 22, 2013

SIMPSON THACHER & BARTLETT LLP

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8 By: /s/ James Kreissman  
James Kreissman

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14 *Attorney for Defendants*  
15 Yingli Green Energy Holding Co. Ltd. and  
16 Yingli Green Energy Americas, Inc.  
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