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14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **OAKLAND DIVISION**

18 ROBIN BERMAN, BO KANG,  
 KHASHAYAR MIRFAKHRAEI, THANG  
 19 VAN VU, DONNA VIERA-CASTILLO,  
 GIRISH RAMESH, PATRICK HANLEY,  
 20 ILANA SHTERNSHAIN and MANDY  
 SCHWARZ,

21 Plaintiffs,

22 v.

23 MICROCHIP TECHNOLOGY  
 24 INCORPORATED, a corporation; ATMEL  
 CORPORATION, a corporation; and  
 25 ATMEL CORPORATION U.S.  
 SEVERANCE GUARANTEE BENEFIT  
 26 PROGRAM, an employee benefit plan,

27 Defendants.

Case No. 4:17-CV-1864-HSG

**STIPULATION AND ORDER  
 HOLDING IN ABEYANCE FURTHER  
 BRIEFING ON, AND ADJUDICATION  
 OF, PLAINTIFFS' MOTION FOR  
 ATTORNEYS' FEES**

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1 Plaintiffs Robin Berman, Bo Kang, Khashayar Mirfakhraei, Thang Van Vu, Donna Viera-  
2 Castillo, Girish Ramesh, Patrick Hanley, Ilana Shternshain and Mandy Schwarz (collectively  
3 “plaintiffs”) and Defendants Microchip Technology Incorporated (“Microchip”), Atmel  
4 Corporation (“Atmel”) and Atmel Corporation U.S. Severance Guarantee Benefit Program  
5 (collectively with Microchip and Atmel, “defendants”) hereby enter into the following joint  
6 stipulation holding in abeyance further action on plaintiffs’ Motion for Attorneys’ Fees and  
7 Litigation Costs pending defendants’ appeal. Dkt. 122.

8 WHEREAS, plaintiffs filed their Motion for Attorneys’ Fees and Litigation Costs on  
9 November 18, 2019 and noticed the hearing for January 16, 2020 at 2:00 p.m. Dkt. 122.

10 WHEREAS, defendants appealed this Court’s judgment in favor of plaintiffs on November  
11 15, 2019. Dkt. 121.

12 WHEREAS, defendants filed their opposition to plaintiffs’ Motion for Attorneys’ Fees and  
13 Litigation Costs on December 18, 2019. Dkt. 128.

14 WHEREAS, plaintiffs’ reply in support of that motion is currently due on January 9, 2020.

15 WHEREAS, the parties agree that judicial efficiency would be furthered by deferring  
16 resolution of plaintiffs’ Motion for Attorneys’ Fees and Litigation Costs until after the resolution  
17 of defendants’ appeal as the parties agree that it does not make sense for the parties to spend  
18 additional time litigating, or for this Court to expend judicial resources considering, issues related  
19 to the attorneys’ fees motion whose resolution may be materially affected by the outcome of  
20 defendants’ appeal of the judgment.

21 IT IS THEREFORE HEREBY STIPULATED AND AGREED, by and among the parties,  
22 through their counsel of record, that plaintiffs’ Motion for Attorneys’ Fees and Litigation Costs be  
23 held in abeyance pending the resolution of defendants’ appeal. The parties respectfully request  
24 that this Court enter the attached order.

1 DATED: December 23, 2019

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3 By: /s/Michael Rubin  
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19 DATED: December 23, 2019

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21 By: /s/Mark G. Kisicki (signature approved 12/23/19)  
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1           **PURSUANT TO STIPULATION, AND GOOD CAUSE HAVING BEEN SHOWN,**  
2 further proceedings related to Plaintiffs' Motion for Attorneys' Fees and Litigation Costs (Dkt.  
3 122) are hereby STAYED AND HELD IN ABEYANCE pending the Ninth Circuit's resolution of  
4 Defendants' appeal in this matter. The January 16, 2020 hearing and further briefing deadlines for  
5 Plaintiffs' motion are hereby VACATED. Within fifteen (15) days of the resolution of  
6 Defendants' appeal, the parties shall notify this Court of their views regarding whether further  
7 proceedings in this Court are warranted, including as related to Plaintiffs' Motion for Attorneys'  
8 Fees and Litigation Costs.

9  
10 Dated: 12/26/2019

  
The Hon. Haywood S. Gilliam, Jr.  
United States District Judge