

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

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re UTStarcom, Inc. Securities Litigation NO. C 04-04908 JW

**ORDER DENYING DEFENDANTS’
MOTION TO RELATE CASES**


_____ /

Presently before the Court is Defendants’ Motion to relate this case with Rudolph v. UTStarcom, et al., No. C 07-4578 SI.¹

The Court previously denied Defendants’ motion to relate these two cases under Civil Local Rules 3-12 and 7-11.² Defendants now contend that the Fourth Amended Complaint contains allegations of options backdating, which overlap with the options backdating claims in the Rudolph action. Upon review, the Court finds that these cases are not related within the meaning of Local Rules 3-12 and 7-11. In addition, this case and the Rudolph action are at differing procedural stages, such that relation of these cases is not proper.

Accordingly, the Court DENIES Defendants’ Motion to Relate Cases.

Dated: September 5, 2008



JAMES WARE
United States District Judge

¹ (Administrative Motion to Consider Whether Cases Should Be Related Pursuant to Civil Local Rules 3-12 and 7-11, Docket Item No. 245.)

² (Order Denying Administrative Motion to Relate Cases, Docket Item No. 225.)

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

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

- Amanda Lenore Kosowsky amanda.kosowsky@cwt.com
- Amie Danielle Rooney rooneya@sullcrom.com
- Bahram Seyedin-Noor bnoor@wsgr.com
- Boris Feldman boris.feldman@wsgr.com
- Bryan Jacob Ketrosier bketrosier@wsgr.com
- Cheryl Weisbard Founng cfounng@wsgr.com
- Christopher J. Keller ckeller@labaton.com
- Christopher Paul Seefer chriss@csgrr.com
- Elizabeth Pei Lin elin@milberg.com
- Eric J. Belfi ebelfi@labaton.com
- Gregory A Markel gregory.markel@cwt.com
- Inna Zatulovsky izatulovsky@morganlewis.com
- Jason de Bretteville debrettevillej@sullcrom.com
- Kimberly C. Epstein e_file_sf@csgrr.com
- Lionel Z. Glancy info@glancylaw.com
- Mark Punzalan mpunzalan@finkelsteinthompson.com
- Marvin L. Frank mfrank@murrayfrank.com
- Michael John Lawson michael.lawson@morganlewis.com
- Michael M. Goldberg info@glancylaw.com
- Patricia I. Avery pavery@wolfpopper.com
- Patrick J. Coughlin PatC@csgrr.com
- Philip Howard Gordon pgordon@gordonlawoffices.com
- Rachele R. Rickert rickert@whafh.com
- Robert Andrew Sacks sacksr@sullcrom.com
- Ronit Setton ronit.setton@cwt.com
- Scott Christensen Hall halls@sullcrom.com
- Shirley H. Huang shirleyh@csgrr.com
- Stephanie L. Dieringer sldieringer@hulettharper.com
- Sylvia Sum Ssum@csgrr.com
- Terry T. Johnson tjohnson@wsgr.com
- Vincent P. Finigan vfinigan@morganlewis.com
- William S. Lerach e_file_sd@lerachlaw.com

Dated: September 5, 2008

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**