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 10 SOFTBANK AMERICA, INC. and SOFTBANK
 CORPORATION
 11

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14

15 IN RE UTSTARCOM, INC. SECURITIES) Master File No. C-04-4908-JW (PVT)
 LITIGATION)
 16)
 17) Stipulation and [~~PROPOSED~~] ORDER
 Modifying the February 17, 2010 Scheduling
 Order re: EXPERT DISCOVERY
 18)

19 This Document relates to:)
 ALL ACTIONS)
 20)
 21)

22 Pursuant to Civil L.R. 7-12, the parties hereby stipulate as follows:

23 WHEREAS, pursuant to the Court’s February 17, 2010 Scheduling Order (the
 24 “Scheduling Order”), the close of all discovery, including expert and fact discovery, is currently set for
 25 October 15, 2010;

26 WHEREAS, the parties have diligently pursued discovery, including propounding and
 27 responding to several sets of documents requests, interrogatories and requests for admission, and
 28 continue to move forward with discovery;

1 WHEREAS, the Court has made clear that it wishes to maintain the current date for
2 hearing dispositive motions;

3 WHEREAS, the parties believe that, except for the deposition of Mr. Hong Liang Lu,
4 October 15, 2010 is a reasonable deadline for the completion of fact discovery given the scope of
5 discovery and the international aspects of this case;

6 WHEREAS, counsel for Mr. Lu, the SoftBank defendants and plaintiffs have met and
7 conferred extensively concerning the scheduling of Mr. Lu's deposition given that he now resides in
8 China, and cannot make himself available for a deposition in San Francisco on a date or dates when
9 counsel for plaintiffs are available until the week of October 25, 2010;

10 WHEREAS, under the Scheduling Order, the disclosure of expert witnesses is due
11 August 13, 2010, the disclosure of rebuttal expert witnesses is due August 27, 2010, and motions to
12 exclude expert testimony are due August 30, 2010;

13 WHEREAS, after taking the Court's July 26, 2010 Order into consideration, the parties
14 have met and conferred and have agreed to respectfully seek modification of the Scheduling Order for
15 the limited purposes of allowing for a brief continuation of discovery with respect to the deposition of
16 Mr. Hong Lu and a modification to the schedule for disclosure of expert witnesses;

17 WHEREAS, the proposed modifications do not otherwise alter the discovery cut-off date,
18 the date for filing dispositive motions, or the hearing of dispositive motions as originally set forth in the
19 Scheduling Order.

20 IT IS THEREFORE STIPULATED by the undersigned, subject to the Court's approval,
21 that the Scheduling Order be modified as follows:

23 August 30, 2010	Hearing on Final Approval of Partial Settlement 10:00 a.m. (unchanged)
24 September 10, 2010	Preliminary Pretrial Conference Statements due (unchanged); Expert Witness Disclosures and 25 Reports due
26 September 20, 2010	Prelim. Pretrial Conf. at 11:00 a.m. (unchanged)
27 September 24, 2010	Rebuttal Expert Witness Disclosures and Reports 28 due

1 2 3	September 27, 2010 to October 15, 2010	Depositions of Expert Witnesses
4	October 15, 2010	Close of Discovery (unchanged except for deposition of Hong Liang Lu)
5	November 8, 2010	Motions for Summary Judgment due (unchanged) and Motions to Exclude Expert Testimony due
6	November 22, 2010	Oppositions to Motions for Summary Judgment due (unchanged) and Oppositions to Motions to Exclude Expert Testimony due
7	November 29, 2010	Reply Briefs in Support of Motions for Summary Judgment due (unchanged) and Reply Briefs in Support of Motions to Exclude Expert Testimony due
8 9 10 11	December 13, 2010	Hearing for dispositive motions (Motions for Summary Judgment) (unchanged) and hearing for Motions to Exclude Expert Testimony

12 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

13
14 Dated: August 2, 2010

15 /s Jason de Bretteville
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Attorneys for Softbank Holdings, Inc.
Softbank America, Inc. and
Softbank Corporation

29 Dated: August 2, 2010

30 /s Shirley Huang
31 Shawn A. Williams
32 Shirley Huang
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15 Lead Counsel for Plaintiffs

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18 I, **Jason de Bretteville**, am the ECF User whose ID and password are being used to file this
19 Stipulation and [Proposed] Order Modifying the February 17, 2010 Scheduling Order. In compliance
20 with General Order 45, X.B., I hereby attest that Shirley Huang has concurred in this filing.

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/s Jason de Bretteville
Jason de Bretteville

* * *

O R D E R

Pursuant to the foregoing stipulation, and for good cause appearing, the schedule of the case is as
modified follows:

August 30, 2010	Hearing on Final Approval of Partial Settlement 10:00 a.m. (unchanged)
September 10, 2010	Preliminary Pretrial Conference Statements due (unchanged); Expert Witness Disclosures and Reports due
September 20, 2010	Prelim. Pretrial Conf. at 11:00 a.m. (unchanged)
September 24, 2010	Rebuttal Expert Witness Disclosures and Reports due
September 27, 2010 to October 15, 2010	Depositions of Expert Witnesses
October 15, 2010	Close of Discovery (unchanged except for

	deposition of Hong Liang Lu)
November 8, 2010	Motions for Summary Judgment due (unchanged) and Motions to Exclude Expert Testimony due
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November 29, 2010	Reply Briefs in Support of Motions for Summary Judgment due (unchanged) and Reply Briefs in Support of Motions to Exclude Expert Testimony due
December 13, 2010	Hearing for dispositive motions (Motions for Summary Judgment) (unchanged) and hearing for Motions to Exclude Expert Testimony

IT IS SO ORDERED.

DATED: August 9, 2010


 THE HONORABLE JAMES WARE
 UNITED STATES DISTRICT JUDGE