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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

Lisa Miller, et al.,
Plaintiffs,
v.
Nvidia Corp., et al.,
Defendants.

NO. C 08-04260 JW
NO. C 08-04344 PVT
NO. C 08-04432 SI

**ORDER APPROVING STIPULATION TO
RELATE AND CONSOLIDATE CASES**

Presently before the Court is a Stipulation to Relate and Consolidate Cases. (hereafter, “Stipulation,” Docket Item No. 12.) Plaintiffs in this action, along with Plaintiffs in two parallel actions in the Northern District of California, are collectively pursuing putative class action securities claims against NVIDIA Corp., Jen-Hsun Huang, and Marvin Burkett (collectively, “Defendants”).

The parallel actions are styled Jermyn v. NVIDIA, No. C 08-04344 PVT and Politz v. NVIDIA, No. C 08-04432 SI. Plaintiffs in all three actions, together with Defendants, stipulate that the cases are related within the meaning of Civil Local Rule 3-12¹ and should be consolidated pursuant to Federal Rule of Civil Procedure 42(a).² Since C 08-04260 was filed on September 9,

¹ Civil Local Rule 3-12(a) provides that an action is related to another when: “(1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.”

² Rule 42(a) provides that “[i]f actions before the court involve a common question of law or fact the court may: (1) join for hearing or trial any and all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.”

1 2008, and was therefore the first-filed of the three actions, the parties have properly moved this
2 Court for relation and consolidation of the cases. See Civ. L.R. 3-12(b). Based on the
3 representations made by the parties in their Stipulation, the Court finds that the three cases are
4 related within the meaning of Civil Local Rule 3-12 and should be consolidated pursuant to Rule
5 42(a).

6 Accordingly, the Court GRANTS the parties' Stipulation to relate and consolidate the cases.
7 The Clerk shall consolidate these actions with C 08-04260 being the lead case. All future filings
8 shall be filed in C-08-04260- JW and bear the caption: "*In re Nvidia Corporation Securities*
9 *Litigation.*" The Clerk shall administratively close C 08-04344 PVT and C 08-04432 SI.

10 On or before **November 10, 2008**, the Consolidated Plaintiffs shall notice and file their
11 motions for appointment of Lead Plaintiff(s) and Lead Counsel. The Court sets a hearing on these
12 motions for **December 15, 2008 at 9 a.m.** To the extent there is no opposition and the parties are in
13 agreement as to who should be the Lead Plaintiff and Lead Counsel, the hearing will be vacated and
14 the Court will make its appointment accordingly.

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Dated: October 30, 2008



JAMES WARE
United States District Judge

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

2 Aaron M. Sheanin ams@girardgibbs.com
3 James Elliott Thompson jthompson@orrick.com
4 James Neil Kramer jkramer@orrick.com
Jonathan Krasne Levine jkl@girardgibbs.com

5 **Dated: October 30, 2008**

Richard W. Wieking, Clerk

6
7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**

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