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Lead Counsel for Plaintiffs and the Proposed Classes
[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEAN MAHAN, J. STEPHEN TISDALE,
STEVEN MCKENNA, JOHN FORCELLA,
SABRINA W. HASS and DR. LANNY W.
HASS, AMY BIONDI-HUFFMAN, and BRIAN
HATHAWAY,

Plaintiffs,

v.

TREX COMPANY, INC., a Delaware
corporation,

Defendant.

MARK OKANO and SHARON DING, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

TREX COMPANY, INC.,

Defendant.

No. 5:09-CV-00670-JF

STIPULATION AND PROPOSED
ORDER RE: LEADERSHIP

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STIPULATION

WHEREAS, by its order dated March 15, 2010, the Court consolidated the above-referenced cases; and

WHEREAS, by its order dated March 15, 2010, the Court appointed Hagens Berman Sobol Shapiro LLP ("Hagens Berman") as Lead Counsel for plaintiffs in the consolidated cases; and

WHEREAS, the Court's order provided that "other class counsel w[ould] serve on an Executive Committee and play a role in directing the case,"

Now, therefore, the parties, by and through their counsel, stipulate as follows:

1. Hagens Berman shall act as Lead Counsel for the parties in the consolidated cases through class certification, if any, and also through any trial and appeal in this matter, or until Hagens Berman, after reasonable notice, resigns from the position of Lead Counsel.

2. Counsel for the plaintiffs in the consolidated cases ("plaintiffs' counsel"), or their representatives, have agreed to the appointment of an Executive Committee consisting of the following firms from among plaintiffs' counsel: Lieff Cabraser Heimann & Bernstein, LLP and Audet & Partners, LLC. All plaintiffs' counsel agree that the Executive Committee shall act in an advisory capacity only with respect to prosecution and handling of the consolidated cases.

3. Lead Counsel, with the advice of the foregoing Executive Committee, shall have the following responsibilities:

a. To draft and file any consolidated or amended consolidated complaints, or to appoint others from among plaintiffs' counsel to do or assist in the same;

b. To brief and argue motions and file opposing briefs in proceedings initiated by other parties, or to appoint others from among plaintiffs' counsel to do or assist in the same;

c. To enter into stipulations with defendant's counsel as necessary in the conduct of the litigation;

d. To initiate, conduct, and respond and defend in discovery proceedings, or to appoint others from among plaintiffs' counsel to do or assist in the same;

e. To act as spokesperson at pretrial conferences, or to appoint others from among plaintiffs' counsel to do or assist in the same;

STIPULATION AND PROPOSED ORDER RE: LEADERSHIP - - 1 -

1 f. To negotiate with defense counsel with respect to settlement and other
2 matters, or to appoint others from among plaintiffs' counsel to do or assist in the same;

3 g. To call meetings of the Executive Committee or all plaintiffs' counsel when
4 appropriate;

5 h. To make all work assignments to plaintiffs' counsel to facilitate the orderly
6 and efficient prosecution of this litigation and to avoid duplicative or unproductive effort;

7 i. To assure that plaintiffs' counsel are kept informed of the progress of this
8 litigation as necessary;

9 j. To conduct pretrial, trial, and post-trial proceedings, including but not
10 limited to hearings, or to appoint others from among plaintiffs' counsel to do or assist in the same;

11 k. To consult with and employ experts;

12 l. To coordinate the filing of any joint fee petition by plaintiffs' counsel;

13 m. To perform such other duties and undertake such other responsibilities as it
14 deems necessary or desirable, or to appoint others from among plaintiffs' counsel to do or assist in
15 the same; and

16 n. To coordinate and communicate with defendant's counsel with respect to
17 matters addressed in this paragraph.

18 4. All counsel representing plaintiffs shall maintain accurate and contemporaneous
19 records of their time spent in this litigation and shall submit time and expense reports to Lead
20 Counsel quarterly, with the first report being due within 21 days of the entry of this order, and with
21 subsequent reports being due every 90 days thereafter, with a 21-day grace period following the
22 expiration of each 90-day period for submittal of the reports to Lead Counsel. The failure to
23 maintain such records and submit timely reports may result in such time or expenses being
24 disallowed for purposes of any fee petition.

25 5. Lead Counsel may seek monetary contributions from the Executive Committee
26 members where Lead Counsel deems it necessary for the efficient and effective prosecution of this
27 litigation. Any assessments shall be made after consultation with the Executive Committee. The

1 failure to pay assessments in timely fashion may result in removal from membership on the
2 Executive Committee.

3 6. Division of any sum of money available for the payment of fees (including any
4 enhancements) and costs, whether made available as a result of settlement, judgment, or otherwise,
5 shall be made by separate agreement among Lead Counsel, the Executive Committee, and other
6 plaintiffs' counsel, subject to final approval by the Court.

7 7. No communications among Lead Counsel, members of the Executive Committee,
8 and other counsel representing plaintiffs in this litigation shall act as a waiver of any privilege or
9 protection to which they, their clients, or any plaintiffs are otherwise entitled.

10
11 STIPULATED AND AGREED this 24th day of June, 2010.

12
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with permission

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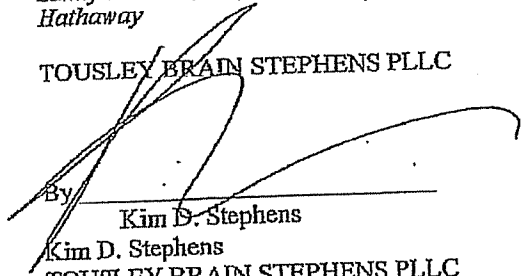
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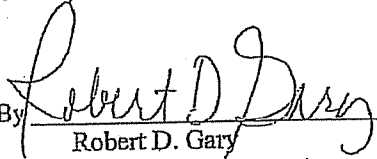
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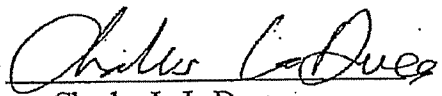
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ORDER

The Court, having previously appointed Hagens Berman Sobol Shapiro LLP as lead counsel for plaintiffs in the above-referenced consolidated cases; having contemplated the appointment of an executive committee; and having examined and considered the stipulation of the parties, and finding good cause therefor, now hereby ORDERS the foregoing terms as stipulated above.

DATED this 16th day of November, 2010.



Honorable Jeremy Fogel
United States District Judge