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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (SAN JOSE DIVISION)**

NORMAND PERRON, and G. DAVID
 HATFIELD, on behalf of themselves and all
 others similarly situated,

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY, a
 Delaware corporation,

Defendant.

CASE NO. C-10-0695-LHK

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~]
 ORDER TO ADVANCE HEARING OF
 PLAINTIFFS' MOTION TO STAY
 LITIGATION**

1 Plaintiffs Normand Perron and G. David Hatfield and Defendant Hewlett-Packard (“HP”)
2 hereby stipulate as follows:

3 1. On September 15, 2010 Judge James Ware of this Court issued an Order
4 (Document No. 250) in the *Nvidia GPU litigation*, Case No. 08-04312 which preliminarily
5 approved a settlement. Paragraph 14 of that Order states that “Pending final determination of
6 whether the Settlement should be approved, the Plaintiffs, all Settlement Class Members, and
7 each of them, and anyone who acts or purports to act on their behalf, shall not institute,
8 commence or prosecute any action which asserts Released Claims against any Released Person.”
9 On September 23, 2010, HP moved to stay all proceedings in this matter pending a determination
10 whether the *Nvidia* settlement should be finally approved (Doc. No. 38). HP argued, among
11 other things, that Plaintiffs’ claims in this matter are “Released Claims” for purposes of Judge
12 Ware’s September 15, 2010 preliminary approval order and HP is a “Released Person” for
13 purposes of that order. Plaintiffs agreed that it is possible that their claims herein fall within the
14 definition of “Released Claims” in the *Nvidia* settlement. Plaintiffs filed objections to the Nvidia
15 settlement.

16 3. Judge Ware granted the Motion for Final Approval of Settlement in the *Nvidia*
17 *GPU litigation*.

18 4. On January 14, 2011, Plaintiffs appealed the final approval of the NVIDIA GPU
19 settlement.

20 5. On March 14, 2011, Plaintiffs filed a one-page motion to stay this case. To
21 conserve judicial resources, Plaintiffs move to stay this *Perron* wireless case until their appeal of
22 the NVIDIA graphics settlement approval is resolved. Plaintiffs agree that their claims in this
23 matter are released in the NVIDIA settlement. Therefore, if Plaintiffs lose the appeal, then their
24 claims in this case will be extinguished.

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6. Because the oppositions to HP's two motions to dismiss are due on April 14, the parties have agreed, subject to Court approval, to advance the hearing on Plaintiffs' Motion to Stay this case to April 7, 2011 at 1:30 p.m. HP's response would be due on March 28, 2011 and Plaintiffs' reply on March 31, 2011.

SO STIPULATED.

Dated: March 18, 2011

/s/ Michael F. Ram

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Dated: March 18, 2011

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SO ORDERED.

Date: March 21, 2011



Lucy H. Koh
Judge, United States District Court

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1 **EXHIBIT A**

2 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
3 "conformed" signature (/S/) within this efiled document.

4 Dated: March 18, 2011

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