

E-Filed 9/13/10

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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

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13 ROJWOL SHRESTHA, on Behalf of Himself and
14 All Others Similarly Situated,

15 Plaintiff,

16 v.

17 CANADIAN SOLAR, INC., SHAWN QU, and
18 ARTHUR CHIEN,

19 Defendants.
20

Case Number 5:10-cv-02702-JF/HRL

**ORDER¹ GRANTING MOTION TO
CONTINUE HEARING**

[Docket No. 23]

21 Beginning on June 3, 2010, six class actions, including one brought by moving party
22 Harry Tabak, were filed in the Southern District of New York against Defendant Canadian Solar
23 Inc. On June 21, the above captioned action was filed in this Court. On August 2, pursuant to
24 the Private Securities Litigation Reform Act of 1995, several parties made competing motions
25 in the Southern District of New York for appointment as lead plaintiff, pursuant to the Private
26 Securities Litigation Reform Act of 1995. In addition, one of the plaintiffs filed a motion to
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28 ¹ This disposition is not designated for publication in the official reports.

1 transfer the six New York actions to this Court. Three of the New York plaintiffs have now
2 filed lead plaintiff motions in this Court. The briefing on the lead plaintiff and transfer motions
3 in the Southern District of New York is complete, and a hearing before Judge Sweet is
4 scheduled for September 29, 2010.

5 A hearing on the three pending lead plaintiff motions in this Court is scheduled for
6 October 1, 2010. Tabak seeks to continue that hearing until after the Southern District of New
7 York rules on the transfer motion pending there. No opposition to the motion has been filed,
8 and a continuance of the hearing would serve the interests of judicial economy by avoiding the
9 possibility of inconsistent rulings on the lead plaintiff motions. Accordingly, Tabak's motion to
10 continue the hearing will be granted. The hearing is hereby taken off calender without prejudice
11 pending the determination of the transfer motion before Judge Sweet.

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13 **IT IS SO ORDERED**

14 DATED: 9/13/10

15 
16 JEREMY FOGEL
17 United States District Judge