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15 *Co-Lead Interim Class Counsel*

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISON

19 Case No. C11-02911 EJD

20
 21 IN RE HAIER FREEZER CONSUMER
 22 LITIGATION

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND TIME TO
 RESPOND TO MOTION TO DISMISS
 OF DEFENDANT GENERAL
 ELECTRIC COMPANY**

Judge: Honorable Edward J. Davila
 Ctrm: 1, 5th Floor

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 28 STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND TIME TO RESPOND TO MOTION TO DISMISS OF DEFENDANT
 GENERAL ELECTRIC COMPANY
 C11-02911 EJD

1 Plaintiffs Christopher Collins, Robert A. Douglas and Marco Grasso (“Plaintiffs”) and
2 defendant General Electric Company (“GE”) (collectively the “Parties”), by and through their
3 respective counsel, hereby stipulate and agree to extend the time for Plaintiffs to respond to the
4 motion to dismiss filed by GE on November 18, 2011 as follows:

5 WHEREAS, on September 15, 2011, Plaintiffs filed and served the Consolidated
6 Amended Class Action Complaint (Dkt. No. 40) in this action;

7 WHEREAS, on November 14, 2011, GE produced to Co-Lead Interim Class Counsel
8 previously undisclosed correspondence with the United States Department of Energy (“DOE”)
9 concerning recent test results of the GE Model FCM7SU freezer, which led the DOE to
10 conclude that the unit meets the applicable NAECA standard;

11 WHEREAS, on November 18, 2011, GE filed a Motion to Dismiss Plaintiffs’
12 Consolidated Amended Class Action Complaint (Dkt. No. 45), which is set for hearing on
13 March 30, 2012;

14 WHEREAS, on November 29, 2011, Plaintiffs filed a Motion for Leave to File Second
15 Consolidated Amended Complaint that removes GE as a defendant in this action;

16 WHEREAS, Plaintiffs will seek an expedited hearing on the Motion for Leave to File a
17 Second Consolidated Amended Complaint requesting that it be heard and ruled upon well in
18 advance of the March 30, 2012 hearing date for the Motion to Dismiss;

19 WHEREAS, Plaintiffs’ response to GE’s motion to dismiss is currently due on
20 December 2, 2011;

21 WHEREAS, Plaintiffs anticipate filing a notice of voluntary dismissal of the claims
22 against GE promptly after their Motion for Leave to File Second Consolidated Amended
23 Complaint amend is granted;

24 WHEREAS, GE’s motion to dismiss will be rendered moot if the Court grants Plaintiffs’
25 Motion for Leave to File Second Consolidated Amended Complaint; and
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1 WHEREAS, to conserve the resources of the parties and the Court, the parties wish to
2 postpone the briefing and hearing on GE's motion to dismiss until after the Court rules on
3 Plaintiffs' Motion for Leave to File Second Consolidated Amended Complaint.

4 THEREFORE, IT IS HEREBY STIPULATED by and between the undersigned counsel
5 for the parties that

6 1. Further briefing on GE's motion to dismiss should be stayed pending a ruling on
7 Plaintiffs filed a Motion for Leave to File a Second Consolidated Amended Complaint that
8 removes GE as a defendant in this action.

9 2. If Plaintiffs' Motion for Leave to File Second Consolidated Amended Complaint
10 is granted, Plaintiffs' will file a notice of voluntary dismissal of all claims against GE pursuant
11 to Fed. R. Civ. P. 41(a)(1)(A) within seven days after entry of the order granting leave to
12 amend.

13 3. If Plaintiffs' Motion for Leave to File Second Consolidated Amended Complaint
14 is denied, the parties will meet and confer on an appropriate schedule to complete the briefing
15 on GE's pending motion to dismiss, and will submit a proposed schedule for the court's
16 consideration within seven days after entry of the order denying leave to amend.

17 IT IS SO STIPULATED

18 Date: November 29, 2011

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/s/

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ATTESTATION OF FILER

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this stipulation.

Dated: November 29, 2011

Respectfully submitted,

/s/
L. Timothy Fisher

1 **~~PROPOSED~~ ORDER**

2 IT IS HEREBY ORDERED as follows:

3 1. Further briefing on GE's motion to dismiss [DE #45] is stayed pending a ruling
4 on Plaintiffs filed a Motion for Leave to File a Second Consolidated Amended Complaint that
5 removes GE as a defendant in this action.

6 2. If Plaintiffs' Motion for Leave to File Second Consolidated Amended Complaint
7 is granted, Plaintiffs' shall file a notice of voluntary dismissal of all claims against GE pursuant
8 to Fed. R. Civ. P. 41(a)(1)(A) within seven days after entry of the order granting leave to
9 amend.

10 3. If Plaintiffs' Motion for Leave to File Second Consolidated Amended Complaint
11 is denied, the parties will meet and confer on an appropriate schedule to complete the briefing
12 on GE's pending motion to dismiss, and shall submit a proposed schedule for the court's
13 consideration within seven days after entry of the order denying leave to amend.

14 Pursuant to Civil Local Rule 7-3, Defendants shall file oppositions or notices of non-
15 opposition to Plaintiffs' Motion for Leave to File Second Consolidated Amended Complaint
(Docket Item No. 51) no later than December 13, 2011. Plaintiffs shall file a reply, if any, no
16 later than December 20, 2011.

IT IS SO ORDERED.

17 DATED: November 30, 2011

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19 JUDGE EDWARD J. DAVILA
20 United States District Judge