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 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISON

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 19 IN RE HAIER FREEZER CONSUMER
 20 LITIGATION

Case No. C11-02911 EJD
 Hon. Edward J. Davila

21 CLASS ACTION

22 **STIPULATION AND ~~PROPOSED~~**
 23 **ORDER TO STAY ACTION**

24 Ctrm: 1, 5th Floor

1 WHEREAS, Plaintiffs and Defendant Haier America Trading, L.L.C. (“HAT”), by and
2 through their counsel, agree to jointly request that the Court stay this action for good cause set
3 forth below;

4 WHEREAS, Plaintiffs filed their Consolidated Amended Class Action Complaint on
5 September 15, 2011;

6 WHEREAS, on November 18, 2011, HAT and Defendant General Electric Company
7 (“GE”) each filed a Motion to Dismiss the Consolidated Amended Class Action Complaint (the
8 “Motions to Dismiss”) (Dkt. Nos. 43 and 45);

9 WHEREAS, in lieu of responding to the Motions to Dismiss, Plaintiffs filed a Motion
10 for Leave to File Second Consolidated Amended Complaint on November 29, 2011 (“Motion
11 for Leave to Amend”);

12 WHEREAS, Plaintiffs’ Motion for Leave to Amend seeks to remove GE as a defendant
13 in this action;

14 WHEREAS, on November 30, 2011, the Court stayed briefing on GE’s Motion to
15 Dismiss, effectively ordering this action stayed as to defendant GE pending a ruling on
16 Plaintiffs’ Motion for Leave to Amend (Dkt. No. 53);

17 WHEREAS, HAT filed an opposition to Plaintiffs’ Motion for Leave to Amend on
18 December 13, 2011, and Plaintiffs filed a reply brief on December 20, 2011, such that the
19 Motion for Leave to Amend is fully briefed and pending a ruling from the Court;

20 WHEREAS, HAT filed an Administrative Motion to File Documents Under Seal on July
21 13, 2012 (“Administrative Motion”) in connection with its intended filing of a Motion for an
22 Order Pursuant to Fed. R. Civ. P. 23(d)(1)(E);

23 WHEREAS, Plaintiffs filed a Statement of Non-Opposition to HAT’s Administrative
24 Motion on July 17, 2012;

25 WHEREAS, counsel for Plaintiffs and HAT met in person on July 25, 2012 and engaged
26 in settlement negotiations concerning this action;

27 WHEREAS, counsel for Plaintiffs and HAT believe that these discussions may be
28 productive and reduce the need to expend this Court’s resources on this matter going forward;

1 WHEREAS, Plaintiffs and HAT would like this Court to defer its decision on Plaintiffs'
2 Motion for Leave to Amend and on HAT's Administrative Motion because of their ongoing
3 settlement negotiations;

4 WHEREAS, Plaintiffs and HAT jointly request a stay of this action for 60 days to permit
5 their continued and exclusive focus on settlement negotiations;

6 THEREFORE, IT IS HEREBY STIPULATED by and between the undersigned counsel
7 that the parties request that the Court postpone its decision on Plaintiffs' Motion for Leave to
8 Amend and on HAT's Administrative Motion, and that this action be stayed for 60 days from
9 the date of the attached Proposed Order.

10 IT IS SO STIPULATED

11 Date: July 26, 2012

BURSOR & FISHER, P.A.

/s/ L. Timothy Fisher

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Attorneys for Defendant Haier America Trading, LLC

~~PROPOSED~~ ORDER

WHEREAS, Plaintiffs and Defendant Haier America Trading, L.L.C. have requested that the Court stay this action for 60 days from the date hereof to permit them to continue to explore settlement;

IT IS HEREBY ORDERED that:

- 1. This action is hereby stayed for 60 days from the date hereof

In light of the stipulation, the motion for leave to file an amended complaint (Docket Item No. 51) is TERMINATED without prejudice to being renewed upon expiration of the stay.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 31, 2012


JUDGE EDWARD J. DAVILA
United States District Judge