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9 Attorneys for Defendants  
 SHAW HONG, DWIGHT STEFFENSEN,  
 10 JOSEPH JENG, HENRY YANG,  
 WILLIAM HSU and Nominal Defendant  
 11 OMNIVISION TECHNOLOGIES, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

15 CARPENTERS PENSION FUND OF WEST )  
 VIRGINIA, Derivatively on Behalf of )  
 16 OMNIVISION TECHNOLOGIES, INC., )  
 17 Plaintiff, )  
 18 v. )  
 19 SHAW HONG, DWIGHT STEFFENSEN, )  
 JOSEPH JENG, HENRY YANG and WILLIAM )  
 20 HSU, )  
 21 Defendants. )  
 22 -and- )  
 23 OMNIVISION TECHNOLOGIES, INC., a )  
 Delaware corporation, )  
 24 )  
 25 Nominal Party. )  
 26 )  
 27 )  
 28 )

Case No.: 5:12-cv-01423 RMW  
**STIPULATION AND [ ]  
 ORDER TO EXTEND  
 TEMPORARY DEFERRAL OF  
 PROSECUTION OF DERIVATIVE  
 ACTION**

1 STIPULATION

2 WHEREAS, on December 4, 2012, this Court entered a Stipulation and Order  
3 temporarily deferring prosecution of this derivative action until the Court ruled on the motion to  
4 dismiss in the action captioned *In re OmniVision Technologies, Inc. Litigation*, Case No. 5:11-  
5 cv-5235-RMW (N.D. Cal.) (the “Securities Case”) [Dkt. No. 25];

6 WHEREAS, on March 29, 2013, this Court ruled on the motion to dismiss filed in the  
7 Securities Case;

8 WHEREAS, on April 18, 2013, the parties filed a Joint Status Report in this action  
9 notifying the Court that the parties were still conferring regarding these proceedings and the  
10 proceedings in similar derivative actions pending in the Delaware Court of Chancery (*Pope v.*  
11 *Hong*, Civ. A. No. 7514-VCN), and California Superior Court, Santa Clara County (*In re*  
12 *OmniVision Technologies Derivative Litigation*, Lead Case No. 1-12-CV-216875) and would file  
13 another status report by May 6, 2013 [Dkt. No. 26];

14 WHEREAS, while the instant action asserts different causes of action, it involves some  
15 of the same parties and factual allegations as the Securities Case;

16 WHEREAS, based on the circumstances unique to this action, and to avoid unnecessary  
17 expenditure of judicial resources prior to resolution of an anticipated summary judgment motion  
18 in the Securities Case, the parties to this action have agreed, subject to this Court’s approval, to  
19 extend the temporary deferral of prosecution, including motion practice and discovery, in this  
20 action until such time as the United States District Court has issued an order ruling on the  
21 defendants’ anticipated summary judgment motion in the Securities Case;

22 WHEREAS, the parties in the *Pope* and *In re OmniVision* derivative actions also have  
23 agreed to continue the deferral of prosecution or stay of proceedings in those actions;

24 NOW THEREFORE, the undersigned parties, by and through their counsel of record,  
25 hereby stipulate as follows:

26 1. The terms of the prior Stipulation and Order shall be extended pending entry of an  
27 order from the United States District Court ruling on defendants’ anticipated motion for  
28 summary judgment in *In re OmniVision Technologies, Inc. Litigation*, Case No. 5:11-cv-5235-

1 RMW (the "Ruling").

2 2. Within twenty (20) days following the Ruling, the parties to the above-captioned  
3 action shall meet and confer regarding further proceedings and submit a joint status report to the  
4 Court.

5 3. At any time during which the prosecution of this case is deferred pursuant to this  
6 Order, a party may file a motion with the Court seeking to modify the terms of the Order, which  
7 may be opposed by any other party. Any party filing a motion to modify the terms of the Order  
8 will provide at least thirty (30) days notice to all other parties to the action before filing such a  
9 motion.

10 Dated: May 6, 2013

Respectfully submitted,

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38 Attorneys for Plaintiff  
39 Carpenters Pension Fund of West Virginia

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**¶ ORDER**

PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED THAT:

1. The terms of the prior Stipulation and Order shall be extended pending entry of an order from the United States District Court ruling on defendants' anticipated motion for summary judgment in *In re OmniVision Technologies, Inc. Litigation*, Case No. 5:11-cv-5235-RMW (the "Ruling").

2. Within twenty (20) days following the Ruling, the parties to the above-captioned action shall meet and confer regarding further proceedings and submit a joint status report to the Court.

3. At any time during which the prosecution of this case is deferred pursuant to this Order, a party may file a motion with the Court seeking to modify the terms of the Order, which may be opposed by any other party. Any party filing a motion to modify the terms of the Order will provide at least thirty (30) days notice to all other parties to the action before filing such a motion.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Hon. Ronald M. Whyte  
United States District Judge