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10 Attorneys for DEFENDANTS OJSC RUSNANO; RUSNANO
 MANAGEMENT COMPANY, LLC; RUSNANO CAPITAL,
 11 A.G.; RUSNANO CAPITAL, LLC; FONDS RUSNANO
 CAPITAL, A.G.; ANATOLY CHUBAIS; OLEG KISELEV;
 12 IRINA RAPOPORT; SERGEY POLIKARPOV; AND
 VALERY ROSTOKIN

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 NEAS LIMITED, individually in its own right
 18 and derivatively on behalf of NITOL SOLAR
 LIMITED; and ANDREY TRETYAKOV,

19 Plaintiffs,

20 v.

21 OJSC RUSNANO; RUSNANO
 MANAGEMENT COMPANY, LLC;
 22 RUSNANO CAPITAL, A.G.; RUSNANO
 CAPITAL, LLC; RUSNANO USA, INC.;
 23 FONDS RUSNANO CAPITAL, A.G.;
 ANATOLY CHUBAIS; OLEG KISELEV;
 24 IRINA RAPPAPORT; SERGEY
 POLIKARPOV; VALERY ROSTOKIN;
 25 SHERIGO RESOURCES LIMITED; and
 JOHN DOES 1 THROUGH 10,

26 Defendants.

Case No. 15-cv-01612-RMW

**CORRECTED JOINT STIPULATION
 WAIVING SERVICE, EXTENDING
 TIME TO RESPOND TO
 COMPLAINT, AND SCHEDULING
 MOTION TO DISMISS**

**(ORDER FILED
 CONCURRENTLY HEREWITH)**

Date Action Filed: April 8, 2015

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1 WHEREAS, Plaintiffs Neas Limited, individually in its own right and derivatively
2 on behalf of Nitol Solar Limited, and Andrey Tretyakov commenced this action by filing a
3 complaint (the “Complaint”) on April 8, 2015;

4 WHEREAS, Plaintiffs have served Defendant Rusnano USA, Inc. (“Rusnano
5 USA”), a Delaware corporation with an office in this District, and Rusnano USA has appeared in
6 this action;

7 WHEREAS, Plaintiffs have named as defendants a number of individual and
8 corporate defendants who reside, are incorporated, or maintain their principal offices outside the
9 United States, including Defendants OJSC Rusnano; Rusnano Management Company, LLC;
10 Rusnano Capital, A.G.; Rusnano Capital, LLC; Fonds Rusnano Capital, A.G.; Anatoly Chubais;
11 Oleg Kiselev; Irina Rapoport; Sergey Polikarpov; and Valery Rostokin (collectively, the “Foreign
12 Defendants”);

13 WHEREAS, due to difficulties and expenses associated with serving the Foreign
14 Defendants Plaintiffs have not yet undertaken service;

15 WHEREAS, for the sake of efficiency and to ease the burden on the parties and
16 the Court, the parties wish to come to an agreement on the issue of service and coordinate the
17 contemplated motions of Rusnano USA and the Foreign Defendants (collectively the “Moving
18 Defendants”) to dismiss the Complaint;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED, pursuant to Local Rule 6-1 as
20 follows:

- 21 1. The Foreign Defendants hereby waive service of the Complaint, and appear by
22 their undersigned counsel, conditioned on the entry of this stipulation and proposed order by the
23 Court;
- 24 2. The time to move to dismiss or otherwise respond to the Complaint for the Moving
25 Defendants is extended to and including September 11, 2015;
- 26 3. If the Moving Defendants, or any of them, move to dismiss or stay the Complaint
27 herein, then Plaintiffs shall serve their responsive papers on such motion on or before
28 November 6, 2015, and the Moving Defendants shall serve their reply papers on or before

1 December 4, 2015. No surreply papers shall be filed on any such motion, except by leave of
2 Court granted on motion for good cause shown, on such terms and conditions as the Court deems
3 appropriate. The parties agree that (a) any such surreply papers shall be strictly limited to issues
4 newly raised in the moving parties' reply papers, and (b) subject to the approval of the Court, the
5 moving parties may file papers responding to any such surreply.

6 4. Notwithstanding the foregoing, nothing herein shall preclude Plaintiffs from
7 seeking discovery addressed solely and specifically to issues of jurisdiction or venue raised in the
8 Moving Defendants' motions to dismiss or stay either (a) as expressly granted, if at all, by the
9 Federal Rules of Civil Procedure and the Local Rules of this Court or (b) by leave of Court
10 granted on motion. For the avoidance of doubt, the Moving Defendants do not agree that any
11 such discovery is necessary or appropriate, and reserve their right to object to any such discovery
12 or to any motion seeking leave to take such discovery.

13 5. Other than as set forth in paragraph 4 hereof, all discovery is stayed pending the
14 hearing and resolution of the Moving Defendants' motions to dismiss;

15 6. This stipulation is entered into solely by and between Plaintiff and the Moving
16 Defendants and in no way affects or limits the rights of any other party.

17 7. Other than the defenses of insufficient process and insufficient service of process,
18 this stipulation is without prejudice to all claims, rights and defenses of each of the Moving
19 Defendants, each of which acknowledged by Plaintiffs to be expressly reserved.

20 **IT IS SO STIPULATED.**

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1 DATED: September 2, 2015

ORRICK HERRINGTON & SUTCLIFFE, LLP

2
3 By: /s/ Karen Johnson-McKewan

Karen Johnson-McKewan

4 Robert L Sills

Philipp Smaylovsky

5 Attorneys for OJSC Rusnano; Rusnano

Management Company, LLC; Rusnano Capital,

6 A.G.; Rusnano Capital, LLC; Fonds Rusnano

Capital, A.G.; Anatoly Chubais; Oleg Kiselev;

7 Irina Rappaport; Sergey Polikarpov; and Valery

Rostokin

8 DATED: September 2, 2015

WILSON SONSINI GOODRICH & ROSATI PC

9
10 By: /s/ Steven Mark Schatz

Steven Mark Schatz

11 Rodney Grant Strickland , Jr.

Naira Arax Der Kiureghian

12 Attorneys for Defendant Rusnano USA, Inc.

13 DATED: September 2, 2015

FOX ROTHSCHILD LLP

14
15 By: /s/ Ely Goldin

Ely Goldin

16 W. Christain Moffitt

17 Michael A. Sweet

Jack Praetzellis

18 Attorneys for Plaintiffs NEAS Limited,

individually and in its own right and derivatively

19 on behalf of Nitol Solar Limited, and Andrey

Tretyakov

20
21 I hereby attest that I have on file all holographic signatures corresponding to any
22 signatures indicated by a conformed signature (/s/) within this e-filed document.

23 DATED: September 2, 2015

ORRICK HERRINGTON & SUTCLIFFE, LLP

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25 By: /s/ Karen Johnson-McKewan

Karen Johnson-McKewan

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PURSUANT TO THE FORGONE STIPULATION, IT IS SO ORDERED,

Dated: September , 2015



Honorable Ronald M. Whyte
Judge, U.S. District Court for the
Northern District of California