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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE ANTITRUST LITIGATION

This document relates to:

Siegel v. Sony Corporation, et al.
No. 3:15-cv-03248-RS

Kravitz v. Sony Corporation, et al.
No. 3:15-cv-06325-RS

Case Nos. 3:15-cv-03248-RS; No. 3:15-cv-06325-RS

Master File No. 3:10-md-2143-RS

JOINT STIPULATION AND [~~PROPOSED~~] ORDER REGARDING MODIFICATION OF BRIEFING SCHEDULE FOR DISPOSITIVE AND *DAUBERT* MOTIONS SPECIFIC TO THE CIRCUIT CITY AND RADIOSHACK ACTIONS

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Plaintiffs Alfred H. Siegel, in his capacity as Trustee for the Circuit City Stores, Inc. Liquidating Trust, and Peter Kravitz, in his capacity as Trustee for the RSH Liquidating Trust (together, the "Trustees") and defendants Koninklijke Philips N.V., Philips North America LLC, Lite-On IT Corporation, Line-On Sales and Distribution Inc., Philips and Lite-On Digital Solutions Corporation, and Philips & Lite-On Digital Solutions U.S.A., Inc. (collectively, the "PLDS Defendants," and together with the Trustees, the "Parties"), by and through undersigned counsel, stipulate and agree to the below:

WHEREAS, on January 25, 2017, this Court entered a Case Management Order ("Case Management Order") setting a schedule for dispositive and *Daubert* motions and other deadlines in the multi-district litigation styled *In re Optical Disk Drive Antitrust Litig.*, MDL No 2143 (the "MDL") (Dkt. No. 2211);

WHEREAS, the Case Management Order set a July 21, 2017 deadline for *Daubert* motions in the MDL, and an August 11, 2017 deadline for oppositions to dispositive motions;

WHEREAS, on June 30, 2017 the PLDS Defendants filed, among other dispositive motions, the *Defendants Philips North America LLC and Lite-On Sales & Distribution, Inc.'s Joint Motion for Summary Judgment* [Dkt. No. 2333] (the "PLDS MSJ"), which motion relates only to the Trustees' Actions (*Siegel v. Sony Corporation, et al.*, No. 3:15-cv-03248-RS and *Kravitz v. Sony Corporation, et al.*, No. 3:15-cv-06325-RS, the "Trustees' Actions");

WHEREAS, the Trustees have reached an agreement in principle with the PLDS Defendants concerning a resolution between the Trustees and the PLDS Defendants;

WHEREAS, in order to complete settlement negotiations and finalize the terms of any settlement agreement, and in the interests of judicial economy, the Trustees and the PLDS Defendants request that the Court temporarily take off calendar the July 21 deadline for the PLDS Defendants to file any *Daubert* motions in the Trustees' Actions only and the August 11 deadline for the Trustees to file any opposition to the PLDS MSJ; and

WHEREAS, in the unlikely event that settlement between the Trustees and the PLDS

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Defendants is not finalized, counsel for the Trustees and the PLDS Defendants agree to meet and confer in good faith in order to submit a joint report regarding the need for a revised briefing schedule for responsive dispositive and/or *Daubert* motions specific to the Trustees' Actions as it relates to the PLDS Defendants, no later than August 25, 2017; and

WHEREAS, nothing in this Stipulation alters or is intended to alter any other dates or Orders of this Court in the MDL or in any other individual or related action;

NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED by and between the undersigned counsel for the Trustees and the PLDS Defendants, as follows:

1. The filing deadlines for the PLDS Defendants to file *Daubert* motions specific to the Trustees' Actions, and the filing deadlines for the Trustees to oppose the PLDS MSJ, are taken off calendar.

2. If necessary, no later than August 25, 2017, the Trustees and the PLDS Defendants shall submit to this Court a joint report regarding the need for a revised briefing schedule, and a proposed revised briefing schedule, for responsive dispositive and *Daubert* motions specific to the Trustees' Actions as it relates to the PLDS Defendants.

IT IS SO STIPULATED.

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DATED: July 19, 2017

KLEE, TUCHIN, BOGDANOFF & STERN LLP
Counsel for Plaintiff Alfred H. Siegel, as Trustee for the Circuit City Stores, Inc. Liquidating Trust

/s/ *Jonathan M. Weiss*

Jonathan M. Weiss

DATED: July 19, 2017

KLEE, TUCHIN, BOGDANOFF & STERN LLP
Counsel for Plaintiff Peter Kravitz, as Trustee for the RSH Liquidating Trust

/s/ *Jonathan M. Weiss*
Jonathan M. Weiss

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DATED: July 19, 2017

BAKER BOTTS LLP
Attorneys for Defendants Lite-On IT Corp., Lite-On Sales & Distribution Inc., Koninklijke Philips N.V., Philips Electronics North America Corporation, Philips & Lite-On Digital Solutions Corp., and Philips & Lite-On Digital Solutions USA, Inc.

/s/ *Evan Werbel*
Evan Werbel

ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

DATED: July 19, 2017

/s/ *Jonathan M. Weiss*
Jonathan M. Weiss

CERTIFICATE OF SERVICE

In accordance with Rule 5-5 of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I, Jonathan M. Weiss, hereby certify under penalty of perjury under the laws of the United States of America that on July 19, 2017, a true copy of the above document was filed through the Court's Case Management/Electronic Case Filing ("CM/ECF") System and served by that System upon all counsel of record registered for the System and deemed to have consented to electronic service in the above-captioned case.

DATED: July 19, 2017

/s/ *Jonathan M. Weiss*
Jonathan M. Weiss

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PURSUANT TO STIPULATION, AND WITH GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

DATED: July 20, 2017

Hon. Richard Seeborg
United States District Judge

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