

1 Guido Saveri (22349)  
2 R. Alexander Saveri (173102)  
3 Cadio Zirpoli (179108)  
4 SAVERI & SAVERI, INC.  
5 706 Sansome Street,  
6 San Francisco, CA 94111  
7 Telephone: (415) 217-6810  
8 Facsimile: (415) 217-6813  
9 [guido@saveri.com](mailto:guido@saveri.com)  
10 [rick@saveri.com](mailto:rick@saveri.com)  
11 [cadio@saveri.com](mailto:cadio@saveri.com)  
12  
13 Anthony D. Shapiro (*pro hac vice*)  
14 George W. Sampson (*pro hac vice*)  
15 Ronnie S. Spiegel (*pro hac vice*)  
16 HAGENS BERMAN SOBOL SHAPIRO LLP  
17 1918 8th Avenue, Suite 3300  
18 Seattle, WA 98101  
19 Telephone: (206) 623-7292  
20 Facsimile: (206) 623-0594  
21 [tony@hbsslaw.com](mailto:tony@hbsslaw.com)  
22 [george@hbsslaw.com](mailto:george@hbsslaw.com)  
23 [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com)  
24  
25 Fred Taylor Isquith (*pro hac vice*)  
26 WOLF, HALDENSTEIN, ADLER,  
27 FREEMAN & HERZ  
28 270 Madison Avenue  
15 New York, NY 10016  
16 Telephone: (212) 545-4600  
17 Facsimile: (212) 545-4653  
18 [isquith@whafh.com](mailto:isquith@whafh.com)  
19  
20 Attorneys for Plaintiff Alan Preis  
21  
22

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**OAKLAND DIVISION**

22 IN RE DYNAMIC RANDOM ACCESS  
23 MEMORY (DRAM) ANTITRUST  
24 LITIGATION

Master File No. M-02-1486 PJH  
MDL No. 1486

25 This Document Relates to:

**STIPULATION AND [PROPOSED]  
ORDER RE ACCEPTANCE OF  
SERVICE OF SUMMONS AND  
COMPLAINT AND EXTENSION OF  
TIME TO RESPOND**

26  
27  
28  
All Direct Purchaser Actions

---

STIPULATION AND [PROPOSED] ORDER RE ACCEPTANCE OF SERVICE AND  
EXTENSION OF TIME TO RESPOND; Master File No. M-02-1486 PJH

1

**STIPULATION**

2

This Stipulation is entered into pursuant to Northern District of California Civil Local  
3 Rule 7-11(a) between Plaintiff Alan Preis and defendants Hitachi, Ltd., Mitsubishi Electric  
4 Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba Corporation and Toshiba  
5 America Electronic Components, Inc. in *Alan Preis v. Hitachi, Ltd., et al.* ("Preis") filed January  
6 25, 2010, and assigned to the Honorable Phyllis J. Hamilton, and is made with regard to the  
7 following facts:

8

WHEREAS, plaintiff Alan Preis filed a class action complaint against defendants Hitachi,  
9 Ltd., Mitsubishi Electric Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba  
10 Corporation and Toshiba America Electronic Components, Inc. on January 25, 2010, alleging a  
11 conspiracy to illegally fix, raise, maintain and/or stabilize the prices charged for DRAM;

12

WHEREAS, on January 29, 2010, plaintiff Alan Preis filed an Administrative Motion To  
13 Consider Whether Cases Should Be Related to *In Re Dynamic Random Access Memory Antitrust*  
14 *Litigation*, ("DRAM") Master File No. M-02-1486 PJH, MDL No. 1486, filed in the Northern  
15 District of California and assigned to the Honorable Phyllis J. Hamilton ("Related Case  
16 Motion");

17

WHEREAS, On February 3, 2010 the Honorable Phyllis J. Hamilton issued a Related  
18 Case Order, relating the *Preis* matter with *DRAM*;

19

WHEREAS, the parties have settled the matter and will present the appropriate papers to  
20 the Court;

21

WHEREAS, each of the named defendants has agreed to accept service of the Summons  
22 and Complaint in the *Preis* action;

23

WHEREAS, the parties agree that the acceptance of service of the Summons and  
24 Complaint does not waive any and all defenses or objections to the lawsuit;

25

WHEREAS, Rule 12 of the Federal Rules of Civil Procedure requires an answer or other  
26 response either within sixty (60) or ninety (90) days from acceptance of service of the summons  
27 and complaint;

28

1 WHEREAS, the parties wish to extend the deadline for an answer or other response to the  
2 *Preis* complaint until a date, if necessary, after the Court rules on the class action settlements.

3 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:**

4 1. Defendant Hitachi, Ltd., hereby accepts service of the summons and  
5 complaint in the matter *Alan Preis v. Hitachi, Ltd. et al.*, Case No. CV 10  
6 0346 PJH;

7 2. Defendants Mitsubishi Electric Corporation and Mitsubishi Electric &  
8 Electronics USA, Inc., hereby accept service of the summons and  
9 complaint in the matter *Alan Preis v. Hitachi, Ltd. et al.*, Case No. CV 10  
10 0346 PJH;

11 3. Defendants Toshiba Corporation and Toshiba America Electronic  
12 Components, Inc. hereby accept service of the summons and complaint in  
13 the matter *Alan Preis v. Hitachi, Ltd. et al.*, Case No. CV 10 0346 PJH;

14 4. The acceptance of service of the Summons and Complaint does not waive  
15 any and all defenses or objections to the lawsuit; and

16 5. Each defendant's time to answer or otherwise respond to the *Preis*  
17 complaint is extended until a date set by the Court.

18 Dated: February 5, 2010

/s/ R. Alexander Saveri  
Guido Saveri  
R. Alexander Saveri  
Cadio Zirpoli  
SAVERI & SAVERI, INC.  
706 Sansome Street  
San Francisco, CA 94111

Anthony D. Shapiro  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1918 8th Avenue, Suite 3300  
Seattle, WA 98101

1 Fred T. Isquith  
2 WOLF, HALDENSTEIN, ADLER, FREEMAN  
3 & HERZ  
4 270 Madison Avenue  
5 New York, NY 10016

6 *Counsel for Plaintiff Alan Preis*  
7  
8

9 Dated: February 5, 2010

10 /s/ Matthew J. Jacobs  
11 Matthew J. Jacobs  
12 McDERMOTT WILL & EMERY LLP  
13 275 Middlefield Road., Suite 100  
14 Menlo Park, CA 94025

15 *Counsel for Hitachi, Ltd.*  
16

17 Dated: February 5, 2010

18 /s/ Brent Caslin  
19 Brent Caslin  
20 Jenner & Block LLP  
21 633 West 5<sup>th</sup> Street, Suite 3500  
22 Los Angeles, CA 90071

23 Terrence J. Truax  
24 Michael T. Brody  
25 Jenner & Block LLP  
26 353 North Clark Street  
27 Chicago, Illinois 60654

28 *Counsel for Mitsubishi Electric Corporation and  
Mitsubishi Electric & Electronics USA, Inc.*

29 Dated: February 5, 2010

30 /s/ Belinda S. Lee  
31 Daniel M. Wall  
32 Belinda S. Lee  
33 Latham & Watkins LLP  
34 505 Montgomery Street  
35 Suite 2000  
36 San Francisco CA 94111-6538

37 *Counsel for Toshiba America Electronic  
38 Components, Inc. and Toshiba Corporation*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED:  
2

3 Dated: 2/16/10 \_\_\_\_\_  
4

5 Ram.964  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

