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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

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

This Document Relates to:

All Direct Purchaser Actions

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

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

STIPULATION

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

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

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

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

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

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

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

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

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
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Counsel for Plaintiff Alan Preis

Dated: February 5, 2010

/s/ Matthew J. Jacobs
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Counsel for Hitachi, Ltd.

Dated: February 5, 2010

/s/ Brent Caslin
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*Counsel for Mitsubishi Electric Corporation and
Mitsubishi Electric & Electronics USA, Inc.*

Dated: February 5, 2010

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

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 2/16/10

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