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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

NETLIST INC., a Delaware
corporation,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO.,
LTD., a Korean corporation,

Defendant.

) Case No. 8:20-cv-00993-MSC-ADS
) **STIPULATION REGARDING POST-
) TRIAL BRIEFING SCHEDULE**
)
) Hon. Mark C. Scarsi

1 Following the jury’s return of a verdict at the conclusion of the recent trial, the
2 Court asked the parties to “confer on a schedule for post-trial motions.” Trial Tr. at
3 886:14-17. The parties hereby agree to the following schedule:

- 4 • Post-trial motions will be due on June 21, 2024;
- 5 • Oppositions to post-trial motions will be due on July 19, 2024;
- 6 • Replies to post-trial motions will be due on August 2, 2024.

7 **Netlist’s Additional Statement:** The parties agreed to the above schedule in
8 writing on May 30. On June 19, Samsung announced that it may seek additional
9 rounds of post-trial motions based on the outcome of what it describes as an
10 “evidentiary hearing.” At no time did Samsung ever disclose this strategy. It has no
11 basis in the Federal Rules. The only evidentiary hearing that the court contemplated
12 was in connection with the motion for Rule 37 sanctions that Samsung filed during
13 trial regarding RFP No. 3, which requires notice and opportunity to be heard by Netlist
14 (i.e., an evidentiary hearing) on whether Netlist complied with the agreed upon scope
15 of RFP No. 3. However, at this stage the Court need not resolve these issues, as the
16 parties are simply jointly requesting entry of their agreed schedule. Any attempt by
17 Samsung to file additional motions can be addressed when and if it occurs.

18 **Samsung’s Additional Statement:** At trial, counsel for Netlist suggested
19 (Trial Tr. at 605:24-606:25) and the Court agreed (*id.* at 806:9-21) that an evidentiary
20 hearing would be the appropriate process to address a serious issue that arose during
21 trial regarding Netlist’s compliance with its discovery obligations. Following that
22 direction, one of the motions Samsung intends to file requests such a hearing and
23 limited discovery in connection with that hearing. The parties met and conferred
24 regarding this issue and the scheduling of post-trial motions on May 28, 2024. At that
25 time, Samsung advised Netlist of the grounds for the requested hearing and discovery,
26 as well as the possibility of seeking a new trial based on the outcome of that hearing.
27 This was confirmed in a May 31, 2024 email to Netlist. Rather than delay briefing
28 on Samsung’s motion for judgment as a matter of law and motion for a new trial under

1 Rules 50 and 59 until after the evidentiary hearing, Samsung proposed filing its
2 motion under Rules 50 and 59 concurrent with the motion for an evidentiary hearing,
3 and then filing a supplemental request for a new trial, if warranted by the results of
4 the evidentiary hearing. However, if the Court would prefer to have the motion under
5 Rules 50 and 59 briefed together with any potential grounds arising out of the
6 evidentiary hearing, Samsung is happy to proceed on that basis.

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9 Dated: June 20, 2024

Counsel for Plaintiff

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/s/ Jason Sheasby

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19 Dated: June 20, 2024 ___

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