

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

In re UTSTARCOM, INC SECURITIES
LITIGATION
LAWRENCE JOSEPH, et al., On Behalf of
Themselves and All Others Similarly Situated

AMENDED
SUMMONS IN A CIVIL CASE
CASE NUMBER: C-04-4908-JW(PVT)

V.

UTSTARCOM, INC., HONG LIANG LU,
MICHAEL J. SOPHIE, HOWARD KWOCK,
GERALD S. SOLOWAY, SHAO-NING J. CHOU, BILL HUANG,
THOMAS J. TOY, YING WU, BANC OF AMERICA SECURITIES LLC, SOFTBANK HOLDINGS INC..
TO: (Name and address of defendant) and SOFTBANK AMERICA INC.

See attached.

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Kimberly C. Eptstein
LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK


Betty J. Walton

(BY) DEPUTY CLERK

JUL 27 2003
DATE _____

ATTACHMENT TO SUMMONS

BANC OF AMERICA SECURITIES LLC

Legal Department

555 California Street, 8th Floor

San Francisco, CA 94104

SOFTBANK HOLDINGS INC.

c/o CT Corporation System

818 West Seventh Avenue

Los Angeles, CA 90017

SOFTBANK AMERICA INC.

c/o CT Corporation System

818 West Seventh Avenue

Los Angeles, CA 90017

Attorney Or Party Without Attorney (Name and Address)		Telephone:		FOR COURT USE ONLY	
KIMBERLY C. EPSTEIN, ESQ. (169012)		(415) 288-4545			
LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS, LLP					
100 Pine Street, Suite 2600					
San Francisco, California 94111					
Attorneys for: LAWRENCE JOSEPH		Ref. No. Or File No.		W2438171	
Insert name of court, judicial district and branch court, if any:					
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff:					
LAWRENCE JOSEPH					
Defendant:					
UTSTARCOM , INC.					
PROOF OF SERVICE		Date:	Time:	Dept/Div:	Case Number: 04-4908 JW

I, Chris Sparks, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: AMENDED SUMMONS; FIRST AMENDED CONSOLIDATED COMPLAINT; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION; ADR BOOKLET; STIPULATED PROTECTIVE ORDER; CIVIL CASE COVER SHEET; MODEL STIPULATION AND PROPOSED CONSOLIDATION ORDER FOR SECURITIES FRAUD CLASS ACTIONS; INITIAL CASE MANAGEMENT SCHEDULING ORDER

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : BANC OF AMERICA SECURITIES LLC

By Serving : ROSEMARY MAGGIO, Secretary/Authorized to Accept Service of Process at the located business address

Address : 555 California Street, 8th Floor , San Francisco, California 94104

Date & Time : Wednesday, July 27, 2005 @ 3:34 p.m.

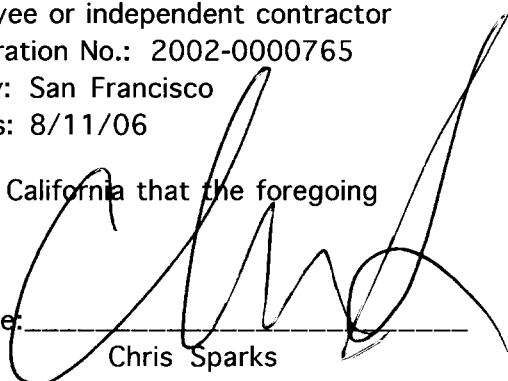
Witness fees were : Not applicable.

Person serving:
Chris Sparks
Wheels of Justice, Inc.
657 Mission Street, Suite 502
San Francisco, California 94105
Phone: (415) 546-6000

a. Fee for service:
d. Registered California Process Server
(1) Employee or independent contractor
(2) Registration No.: 2002-0000765
(3) County: San Francisco
(4) Expires: 8/11/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 27, 2005

Signature: 
Chris Sparks

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE July 28, 2005 at 1:50 p.m.
NAME OF SERVER (PRINT) Richard Torpey	TITLE Process Server

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): Service on Softbank Holdings, Inc., was effectuated by personally serving April Wolf, Managing Agent at Delaware Incorporators & Registration Service, LLC, Registered Agent. Service was made at 1007 Orange St., Suite 1410, Wilmington, Delaware 19801.

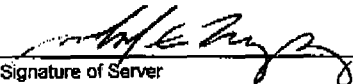
STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on July 28, 2005
Date


Signature of Server

657 Mission St., Suite 502, San Francisco, CA 94105
Address of Server

Documents Served:

Summons; Complaint; Notice of Availability of Magistrate Judge to Exercise Jurisdiction; ADR Booklet; Stipulated Protective Order; Civil Case Cover Sheet; Model Stipulation and Proposed Consolidation Order for Securities Fraud Class Actions; and Initial Case Management Scheduling Order

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): Service on Softhank America Inc. was effectuated by personally serving April Wolf, Managing Agent at Delaware Incorporators & Registration Service, LLC, Registered Agent. Service was made at 1007 Orange St., Suite 1410, Wilmington, Delaware 19801.

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