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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 IN RE LDK SOLAR SECURITIES  
LITIGATION

Master File No. C-07-05182-WHA

16 This Document Relates to:  
17 ALL ACTIONS  
18

**DECLARATION OF  
MATTHEW B. KAPLAN IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION FOR A  
PROTECTIVE ORDER**

Judge: Hon. William H. Alsup  
Date: September 25, 2008  
Time: 8:00 a.m.  
Courtroom: 9, 19th Floor  
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I, Matthew B. Kaplan declare:

1. I am an attorney with the law firm of Cohen, Milstein, Hausfeld & Toll, P.L.L.C. I submit this declaration in support of Plaintiff's Opposition to Defendants' Motion for a Protective Order. I make this declaration based on my personal knowledge.

2. Attached as Exhibit A is a true and correct copy of an email from Matthew B. Kaplan to Phillip Wang, an attorney for Defendants, dated June 17, 2008.

3. In a telephone conversation shortly after I sent the June 17 email I reiterated to Mr. Wang Plaintiff's interest in conferring on discovery and said that specific issues we would like to discuss at the "meet and confer" included any claim of privilege that Defendants might assert with respect to the internal investigations that had occurred at LDK and issues arising from the special problems of discovery involving electronically stored information..

4. Plaintiff's Counsel received no response to the suggestion that the parties "meet and confer" and Plaintiff's Counsel has never been able to arrange any meaningful discussion of discovery issues with Defendants' Counsel (except with respect to the logistical details of depositions Defendants' plan to take that are related to the pending Class Certification Motion).

5. Attached as Exhibit B is a true and correct copy of Defendants' Response To Lead Plaintiff's First Request For Production Of Documents.

6. Attached as Exhibit C is a true and correct copy of the Simpson Thacher law firm's Responses And Objections To Plaintiff's Subpoena.

7. I am familiar with all communications between Plaintiff's Counsel and Defendants' Counsel in this case, either by personal knowledge or by consultation with other attorneys in my firm. Defendants' Counsel did not inform Plaintiff's Counsel that they would be filing a motion seeking a protective order before doing so and Plaintiff's Counsel was unaware that Defendants' Counsel intended to do so until the motion was actually filed.

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

Executed on September 4, 2008

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/s/ Matthew B. Kaplan  
Matthew B. Kaplan