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May 27, 2009

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Ron Biggs
Chairperson, Board of Supervisors
El Dorado County
Government Center
330 Fair Lane
Placerville, CA 95667

Re: City of Los Angeles v. Infineon Technologies AG, et al.
San Francisco Superior Court, Case No. 08-480561

Dear Mr. Biggs:

Pursuant to your recent conversation with Emilio Varanini of the California State Attorney General's Office (the "Attorney General"), I am writing in connection with my firm's representation of Nanya Technology Corporation and Nanya Technology Corporation USA (collectively, "Nanya") and Mosel Vitelec Inc. and Mosel Vitelec Corporation (collectively, "Mosel") in the above-referenced litigation, in the related investigations by the United States Department of Justice ("DOJ"), and contemporaneously with other litigation in the Northern District of California (collectively, the "Litigation"). As you are aware, El Dorado County is represented by the Attorney General in its role as a plaintiff in the Litigation, which relates to alleged anti-competitive conduct by several participants in the Dynamic Random Access Memory ("DRAM") market. Orrick attorneys have been representing Nanya and Mosel in the Litigation for a number of years, and thus have long-standing attorney-client relationships with Nanya and Mosel.

The Litigation was commenced in approximately June 2002. In 2004, Nanya retained Orrick to represent both Nanya companies in those proceedings. Nanya is one of many defendants in the Litigation and had a minor share of the DRAM market (significantly less than 10%) in the United States during the period in question. Certain other defendants in the Litigation have already pled guilty to federal criminal charges and have paid over \$700 million in fines to the United States government. Neither Nanya nor any of its employees, however, has been indicted, has pled guilty, or has even been publicly identified as a target of the DOJ proceedings. Not surprisingly, Nanya continues to maintain that the companies and their employees did not participate in any wrongdoing.

Since 2006, Mosel was represented by Heller Ehrman LLP. In fall 2008, the attorneys representing Mosel joined Orrick. Similar to Nanya, Mosel has been one of many defendants in the Litigation and had a minor share of the DRAM Market in the United States during the period in question.

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Neither Mosel nor any of its employees, has been indicted, has pled guilty, or has been publicly identified as a target of the DOJ proceedings. Mosel continues to maintain that the companies and their employees did not participate in any wrongdoing.

As you know, Orrick has a long-standing relationship with El Dorado County (the "County"), principally as the County's bond counsel on a wide variety of matters. Orrick also provides arbitrage rebate compliance and other services to the County through its subsidiary, Bond Logistix LLC. We highly value our relationship with the County and hope to continue our work with the County as its bond counsel in the future.

We do not believe that, under the applicable rules of professional responsibility, our continued representation of Nanya and Mosel in the Litigation presents a conflict of interest with respect to our continued representation of the County in unrelated matters. We have not been and are not now privy to any confidential information that would have any bearing on the Litigation as a result of our representation of the County in unrelated matters.

Nonetheless, in order to eliminate any potential issue about Orrick's continued representation of Nanya and Mosel in the Litigation, we are requesting the County's written waiver of any actual or potential conflict of interest that may exist with respect to our representation of Nanya and Mosel in connection with the Litigation, the County's consent to Orrick's representation of Nanya and Mosel in the Litigation, and the County's agreement not to seek the disqualification of Orrick from representing Nanya and Mosel in the Litigation.

Nanya and Mosel have indicated its willingness to grant such a waiver to Orrick to continue our representation of the County in connection with bond financing and other matters unrelated to the Litigation.

In consideration of the waiver and consent, Orrick will erect, monitor and enforce an "ethical wall" separating those Orrick attorneys working on matters for the County and those Orrick attorneys working on the Litigation for Nanya and Mosel. The ethical wall will prevent the sharing of any information or files generated by attorneys on one side of the wall with those attorneys on the other side of the wall. We take such precautions routinely in situations such as this, which are increasingly common for a firm of our size, geographic scope and diversity of representations.

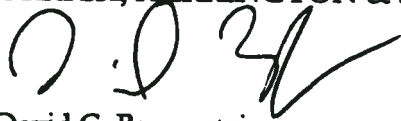
If you are in agreement as to the waiver, consent and agreement described herein, please date and sign the enclosed copy and return it to me at your earliest convenience.

Thank you very much for your understanding and assistance in this matter. Please do not hesitate to call me if you have any questions or require any further information.

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Very truly yours,

ORRICK, HERRINGTON & SUTCLIFFE LLP


David C. Brownstein

AGREED:

Date: 12-14-09

By 
Ron Biggs
Chairperson
El Dorado County Board of Supervisors

ATTEST: SUZANNE ALLEN de SANCHEZ,
Clerk of the Board of Supervisors

By 
DEPUTY