

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-01916-MD-MARRA/JOHNSON

IN RE: CHIQUITA BRANDS
INTERNATIONAL, INC. ALIEN
TORT STATUTE AND SHAREHOLDER
DERIVATIVE ACTION

This Document Relates to:

DERIVATIVE ACTIONS.

AGREED MOTION FOR A FURTHER STAY OF PROCEEDINGS

The Special Litigation Committee (“Chiquita SLC”) of the Board of Directors of nominal defendant Chiquita Brands International, Inc. (the “Company” or “Chiquita”) hereby moves to extend the stay of proceedings in the shareholder derivative litigation pending in this multi-district litigation (the “Derivative Litigation”), which is currently set to expire on December 31, 2008, until February 28, 2009. In support hereof the Chiquita SLC states as follows:

1. Pursuant to this Court’s Amended Case Management Order, dated September 14, 2008, the Plaintiffs were directed to file the Consolidated Verified Shareholder Derivative Complaint “no later than 30 days after the later of entry of [the Case Management Order] and entry of an order appointing Lead Derivative Plaintiffs’ Counsel.” *See* Amended Case Management, Section II.C(2).
2. On September 11, 2008, the Plaintiffs filed the Consolidated Verified Shareholder Derivative Complaint (the “Amended Consolidated Complaint”).
3. The Amended Case Management Order further directed that, within 30 days from the filing of the Amended Consolidated Complaint, the Chiquita SLC file any motion to stay the

Derivative Litigation. *See* Amended Case Management, Section II.C(2). By order dated October 15, 2008, that deadline was extended until October 21, 2008.

4. On October 21, 2008, the Chiquita SLC filed an agreed motion seeking to stay the Derivative Litigation until December 31, 2008, without prejudice to extend the stay further upon proper application. On October 21, 2008, the Court granted that motion “without prejudice to extend the stay further upon proper application.” [D.E. 155.]

5. During this period, the Chiquita SLC and Lead Counsel for the Plaintiffs have engaged in further discussions and agree that the Derivative Litigation should be stayed further until February 28, 2009, without prejudice to extend the stay further upon proper application, to allow the SLC to complete its investigation. To date, during its investigation, the Chiquita SLC has reviewed approximately 740,000 pages of documents and conducted fifty-seven (57) interviews of forty-seven (47) individuals whom it believed had knowledge regarding the events underlying the allegations asserted in the Amended Consolidated Complaint. Upon the expiration of the stay, or before, the Chiquita SLC will issue a report detailing its investigation and conclusions regarding the allegations and claims asserted in the Amended Consolidated Complaint, and will present to the Court a plan outlining the Chiquita SLC’s next steps in the Derivative Litigation.

WHEREFORE, the Chiquita SLC respectfully requests that this Court enter an Order staying the Derivative Litigation until February 28, 2009, without prejudice to extend the stay further upon proper application.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system on December 29, 2008, which will send a notice of electronic filing to counsel identified on the attached service list, unless otherwise indicated and to whom a copy will be provided as identified:

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**ORDER GRANTING AGREED MOTION FOR A FURTHER STAY
OF PROCEEDINGS IN THE DERIVATIVE LITIGATION**

THIS CAUSE having come before the Court on the Agreed Motion for a Further Stay of Proceedings. This Court having considered the motion and all other relevant factors, it is hereby ORDERED and ADJUDGED that:

The Motion for a Further Stay of Proceedings in the Derivative Litigation until February 28, 2009, without prejudice to extend the stay further upon proper application is GRANTED.

DONE AND ORDERED in Chambers at Miami, Florida this _____ day of _____, 2008.

KENNETH A. MARRA
UNITED STATES DISTRICT JUDGE

Copies furnished to:
All Counsel of Record

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