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11 Attorneys for Plaintiff  
 BROCADE COMMUNICATIONS SYSTEMS, INC.

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16  
 17 IN RE BROCADE COMMUNICATIONS  
 SYSTEMS, INC. DERIVATIVE LITIGATION

Case No. C 05-02233 CRB

18 This Document Relates to:

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
 AMENDING SECOND AMENDED  
 COMPLAINT BY DISMISSING TWO CAUSES  
 OF ACTION AS TO DEFENDANTS NEAL  
 DEMPSEY AND SETH D. NEIMAN**

19 ALL ACTIONS  
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 STIPULATION AND ~~[PROPOSED]~~ ORDER AMENDING  
 SECOND AMENDED COMPLAINT BY DISMISSING TWO  
 CAUSES OF ACTION AGAINST DEMPSEY AND NEIMAN



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Dated: September 26, 2008

DEWEY & LEBOEUF LLP

/s/ Peter E. Root

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Peter E. Root, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 26th day of September 2008 at East Palo Alto, California.

Dated: September 26, 2008

DEWEY & LEBOEUF LLP

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~~PROPOSED~~ ORDER

Upon Stipulation of the Parties and good cause appearing therefor, IT IS SO ORDERED.

Dated: October 1, 2008

