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12 (Additional Counsel shown on signature page)

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

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

**Case No. C 05-02233 CRB**

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER SUSPENDING DEADLINE**  
**FOR DEFENDANT ROBERT D.**  
**BOSSI TO ANSWER COMPLAINT**

19 **This Document Relates to:**

20 **ALL ACTIONS**

21 Courtroom: 8, 19<sup>th</sup> Floor  
 THE HONORABLE CHARLES R. BREYER

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 STIPULATION & [PROPOSED] ORDER  
 SUSPENDING DEADLINE  
 C 05-02233 CRB

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**STIPULATION**

WHEREAS, pursuant to stipulation between plaintiff Brocade Communications Systems, Inc. (“Brocade”) and defendant Robert D. Bossi (“Bossi”), and this Court’s Order dated January, 28, 2009 (Dkt. No. 388), Bossi’s time to answer the Second Amended Complaint was extended to January 30, 2009;

WHEREAS, Brocade and Bossi have entered in to a settlement agreement dated January 26, 2009, and expect within the next week to file a joint motion for an Order approving the settlement of Brocade’s claims in the above-captioned action against Bossi, and entering a contribution bar order in favor of Bossi;

WHEREAS, in view of this settlement, Brocade and Bossi respectfully request this Court to suspend Bossi’s deadline to answer the Second Amended Complaint pending completion of the settlement approval process in this Court;

IT IS HEREBY STIPULATED by and between Brocade and Bossi, subject to this Court’s approval, that Bossi’s deadline to answer the Second Amended Complaint shall be suspended pending a determination on the forthcoming joint motion of Brocade and Bossi seeking approval of the settlement and a contribution bar order.

Dated: January 30, 2009

DEWEY & LEBOEUF LLP

\_\_\_\_\_  
/s/ Peter E. Root

Peter E. Root

Attorneys For Plaintiff  
BROCADE COMMUNICATIONS  
SYSTEMS, INC.

Dated: January 30, 2009

ORRICK, HERRINGTON & SUTCLIFFE  
LLP

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/s/ Michael David Torpey

Michael David Torpey

Attorneys For Defendant Robert D. Bossi

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Peter E. Root, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Suspending Deadline for Defendant Robert D. Bossi to Answer Complaint. In compliance with General Order 45.X.B., I hereby attest that concurrence in the filing of this document has been obtained from each of 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 30<sup>th</sup> day of January 2009, at East Palo Alto, California.

/s/ Peter E. Root  
Peter E. Root

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: Feb. 02, 2009

