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 13 MARCONI COMMUNICATIONS and
 14 TELENT LTD.

15 UNITED STATES DISTRICT COURT FOR THE
 16 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

17 JOHN OSANITSCH,
 18
 19 Plaintiff,
 20
 21 vs.

22 MARCONI PLC, MARCONI ACQUISITION
 23 SUB, INC., MARCONI COMMUNICATIONS,
 24 TELEPHON AB L.M. ERICCCSON, TELENT
 25 LTD.,
 26
 27 Defendants.

Case No. 3:05-cv-03988-CRB

**STIPULATION TO CONTINUE HEARING
 ON DEFENDANTS’ MOTION FOR
 ATTORNEYS’ FEES; [~~PROPOSED
 ORDER~~]**

[OLD] HEARING DATE: April 30, 2010
 [NEW] HEARING DATE: May 28, 2010
 TIME: 10:00 a.m.
 JUDGE: Charles R. Breyer

1 On January 5, 2010, Defendants Marconi plc, Marconi Communications, and Telent plc
2 (collectively “Defendants”) filed a motion to recover their attorneys’ fees pursuant to the
3 Employee Separation Agreement and General Release executed between Plaintiff John Osanitsch
4 (“Osanitsch”) and Defendants. On January 15, 2010, Osanitsch and Defendants, collectively,
5 filed a stipulation to continue the hearing date on Defendants’ Motion for Attorneys’ Fees from
6 February 12, 2010 to March 12, 2010. On January 22, 2010, this Court granted the Stipulation
7 between Osanitsch and Defendants. On March 11, 2010, Osanitsch and Defendants filed a
8 second stipulation to further continue the hearing on Defendants’ Motion for Attorneys’ Fees in
9 order to discuss and finalize settlement of this matter. On March 11, 2010, this Court granted
10 Defendants’ stipulation to move the hearing date from March 12, 2010 to April 9, 2010. On
11 April 8, 2010, Osanitsch and Defendants filed a third stipulation to further continue the hearing
12 on Defendants’ Motion for Attorneys’ Fees in order to discuss and finalize settlement of this
13 matter. On April 9, 2010, this Court granted Defendants’ stipulation to move the hearing date
14 from April 9, 2010 to April 30, 2010.

15 After this Court granted the Stipulation, the parties have continued to discuss settlement
16 of this action. Osanitsch and Defendants have exchanged drafts of a settlement agreement.
17 Further, the parties have agreed on the form and content of the final settlement agreement. The
18 parties are very close to finalizing a settlement agreement, but need additional time to execute
19 the necessary documents to finalize settlement and dismiss this action. In order to reach final
20 settlement of this action, the parties have agreed, and hereby stipulate, to continue the hearing
21 date on Defendants’ Motion for Attorneys’ Fees. Accordingly, Osanitsch and Defendants
22 stipulate and agree to continue the hearing date on Defendants’ Motion for Attorneys’ Fees from
23 April 30, 2010 to May 28, 2010, or as soon thereafter as the Court finds convenient.

K&L GATES LLP

Dated: April 28, 2010

By: /s/ Jas S. Dhillon

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MARCONI COMMUNICATIONS and
TELENT LTD.

THE LAW OFFICES OF JAMES J.
SELTZER

Dated: April 28, 2010

By: /s/ James J. Seltzer

James J. Seltzer

Attorney for Plaintiff JOHN OSANITSCH

PURSUANT TO STIPULATION IT IS SO ORDERED.

Dated: April 29, 2010

The Honorable Charles R. Breyer

