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10 Attorneys for Defendants
 JOHN E. MCNULTY, TIM STEINKOPF and
 11 SECURE COMPUTING CORPORATION

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 ROSENBAUM CAPITAL, LLC,
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 Plaintiff,
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 v.
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 JOHN E. MCNULTY, TIM STEINKOPF AND
 18 SECURE COMPUTING CORPORATION,
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 Defendants.

Case No.: 3:07-CV-0392 SC

**STIPULATION AND [PROPOSED]
 ORDER REGARDING CASE
 SCHEDULE**

FED. R. CIV. P. 26(a)(1)

The Honorable Samuel Conti

1 WHEREAS, the above-captioned action is a class action brought by plaintiff,
2 Rosenbaum Capital, LLC, against defendants John McNulty, Tim Steinkopf and Secure
3 Computing Corporation (collectively “Defendants”; collectively with Plaintiff, “Parties”)
4 alleging violations by the Defendants of the federal securities laws;

5 WHEREAS, believing there are reasonable prospects for settlement of this action,
6 counsel for the Parties have met and conferred in an effort to schedule a mediation of this
7 dispute;

8 WHEREAS, the Parties had agreed to a mediation that was scheduled for October
9 30, 2008 before Hon. Daniel Weinstein (Ret.);

10 WHEREAS, owing to changes in the mediator’s schedule, the mediator informed the
11 parties on August 29 that he had become unavailable for the scheduled October 30
12 mediation;

13 WHEREAS, the Parties are diligently seeking a new date, if necessary before a
14 different mediator, with the goal of conducting a mediation before the end of October;

15 NOW THEREFORE, IT IS STIPULATED AND AGREED by the Parties, through
16 their respective counsel of record, as follows:

17 1. The Parties will promptly file a Joint Status Report notifying the Court of the
18 details of the mediation once it is confirmed.

19 2. The Parties agree to vacate the hearing date of November 21, 2008 for
20 Plaintiff’s Motion for Class Certification to permit the parties time to conduct a mediation.
21 The parties further agree to vacate all deadlines for submissions relating to the hearing on
22 class certification.

23 3. The Parties agree that the Case Management Conference scheduled for
24 November 21, 2008, will remain in place. The Parties will file a Joint Case Management
25 Conference Statement no later than November 11, 2008. The Joint Case Management
26 Conference Statement will inform the Court regarding the results of the mediation. In the
27 event that mediation is unsuccessful, the Parties will propose a new schedule for briefing
28 hearing Plaintiff’s Motion for Class Certification.

1 4. The Parties agree that to avoid substantial additional costs to the parties and to
2 enhance the possibility of reaching a settlement, discovery activity shall be suspended from
3 the date of the filing of this Stipulation until November 11, 2008. Specifically, the Parties
4 will suspend meet-and-confer activities regarding Plaintiff's responses to Defendants' First
5 Sets of Requests for Production and Interrogatories; Defendants will suspend rolling
6 production of documents responsive to Plaintiff's First Set of Requests for Production of
7 Documents; and the Depositions of Jonathan Levene and Rosenbaum Capital Management
8 LLC, currently noticed for September 9, 2008, shall be taken off calendar; however, to the
9 extent that third parties have responded or do respond to Defendants' subpoenas,
10 Defendants will provide Plaintiff with duplicate copies of all such documents. The
11 temporary suspension of discovery activity shall be without prejudice to any party. Without
12 limiting the generality of the foregoing, any new schedule that may be set in the case
13 following an unsuccessful mediation shall allow Defendants sufficient time to complete
14 class discovery from Plaintiff before opposing any motion for class certification, including,
15 without limitation, discovery from Scott Hakala regarding the matters set forth in his
16 Declaration Regarding Market Efficiency and Loss Causation filed August 29, 2008. The
17 temporary suspension of discovery activity shall not extend to discovery in response to
18 subpoenas previously served on third parties.

19 5. By executing this Stipulation, the parties do not waive, and instead expressly
20 retain, all claims, defenses and arguments whether procedural, substantive or otherwise.
21 This Stipulation is without prejudice to any subsequent motion to stay this action. Any
22 Order entered pursuant to this Stipulation is without prejudice to the rights of any party to
23 apply for a modification of this Order for good cause.

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IT IS SO STIPULATED.

September 4, 2008

HELLER EHRMAN LLP

By /s/ Michael L. Charlson
MICHAEL L. CHARLSON
Attorneys for Defendants

September 4, 2008

FEDERMAN & SHERWOOD

By /s/ William B. Federman

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Liaison Counsel for Plaintiffs

GENERAL ORDER 45 ATTESTATION

I, Michael L. Charlson, am the ECF User whose ID and password are being used to file this **STIPULATION AND [PROPOSED] ORDER SETTING SCHEDULE**. In compliance with General Order 45, X.B., I hereby attest that William B. Federman, Lead Counsel for Plaintiffs, have concurred in this filing.

Dated: September 4, 2008

By: /s/ Michael L. Charlson

Michael L. Charlson
HELLER EHRMAN LLP
Attorneys for Defendants
JOHN E. MCNULTY, TIM STEINKOPF
and SECURE COMPUTING
CORPORATION

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[PROPOSED] ORDER.

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

(1) The Parties shall promptly file a Joint Status Report notifying the Court of the details of the mediation once it is confirmed.

(2) The hearing on Plaintiff's Motion for Class Certification currently set for November 21, 2008 and all deadlines regarding the Motion for Class Certification are VACATED.

(3) The Case Management Conference set for November 21, 2008 shall be remain on calendar. The Parties shall file a Joint Case Management Conference Statement by November 11, 2008.

(4) To avoid substantial additional costs to the parties and to enhance the possibility of reaching a settlement, discovery activity between and among the parties shall be suspended until November 11, 2008, without prejudice to any party.

IT IS SO ORDERED.

DATED: 9/5/08

THE HONORABLE SAMUEL CONTI
UNITED STATES DISTRICT COURT JUDGE

