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 10 *Lead Counsel for Plaintiffs*

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

14 ROSENBAUM CAPITAL, LLC,
 15 Plaintiff,

16 v.

17 JOHN E. MCNULTY, TIM STEINKOPF and
 18 SECURE COMPUTING CORPORATION,
 19 Defendant.

No. 3:07-CV-0392-SC

**JOINT STIPULATION AND
 [PROPOSED] ORDER REGARDING
 BRIEFING SCHEDULE FOR
 PRELIMINARY APPROVAL OF
 SETTLEMENT**

The Honorable Samuel Conti

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1 WHEREAS the parties to this litigation, Lead Plaintiff Rosenbaum Capital, LLC
2 and defendants Secure Computing Corporation, John McNulty and Tim Steinkopf (collectively
3 “the parties”) engaged in a mediation on October 14, 2008 before the Hon. Layn Phillips (Ret.) of
4 Judicial Arbitration & Mediation Services (J.A.M.S.) that resulted in a settlement in principal;

5 WHEREAS the parties are in the process of finalizing the documents
6 memorializing the terms of that settlement, including the Stipulation of Settlement, the Notice of
7 Settlement, the [Proposed] Final Judgment, the [Proposed] Preliminary Approval Order, the
8 [Proposed] Order Approving Award of Attorneys’ Fees and Reimbursement of Expenses, the
9 Summary Notice for Publication and the Proof of Claim and Release;

10 WHEREAS Lead Plaintiff intends to file a motion seeking preliminary approval of
11 the terms of the settlement and authorizing the mailing of class notice (“the Preliminary Approval
12 Motion”);

13 WHEREAS the parties are informed that the next available date for a hearing on
14 the Preliminary Approval Motion is January 9, 2009;

15 WHEREAS Defendants do not intend to oppose the Preliminary Approval Motion
16 so that no opposition or reply memoranda will be filed in advance of the hearing;

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THEREFORE, IT IS STIPULATED AND AGREED by Lead Plaintiff and Defendants, through their respective counsel of record, as follows:

The Preliminary Approval Motion shall be heard on January 9, 2009; and

The briefing schedule for the Preliminary Approval Motion shall be modified so that Lead Plaintiff may file its Motion less than 35 days before the hearing date of January 9, 2009 provided that such papers are filed no later than December 19, 2008.

IT IS SO STIPULATED.

DATED: December 1, 2008

By: _____/s/_____
William B. Federman (admitted *Pro Hac Vice*)
FEDERMAN & SHERWOOD
10205 N. Pennsylvania Avenue
Oklahoma City, Oklahoma 73120
Telephone: (405) 235-1560
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Lead Counsel for Plaintiffs

By: _____/s/_____
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Attorneys for Defendants
John E. McNulty, Tim Steinkopf and
Secure Computing Corporation

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I, Michael L. Charlson, am the ECF User whose ID and password are being used to file this Joint Stipulation and [Proposed] Order Regarding Briefing Schedule for Preliminary Approval of Settlement. In compliance with General Order 45, X.B., I hereby attest that William B. Federman has concurred in this filing.

DATED: December 1, 2008

HOGAN & HARTSON LLP

By _____ /s/

Michael L. Charlson

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~~[PROPOSED]~~ ORDER

Upon reading and considering the stipulation of the parties and good cause appearing,

IT IS HEREBY ORDERED that:

1. The briefing schedule for the Motion for Preliminary Approval of Settlement is hereby modified.
2. Lead Plaintiff shall file the unopposed Motion for Preliminary Approval of Settlement by December 19, 2008.
3. The hearing on the Motion for Preliminary Approval of Settlement will take place on ~~January 9, 2009, at 10 a.m.~~ February 6, 2009 at 10:00 a.m.

Dated: 12/2/08, 2008

The Honorable S. Conti
U.S. District Court
Northern District of California

