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9 Lead Counsel for Plaintiffs

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12	In re VERIFONE HOLDINGS, INC.	)	Master File No. 3:07-cv-06140-MHP
	SECURITIES LITIGATION	)	
13	_____	)	<u>CLASS ACTION</u>
		)	
14	This Document Relates To:	)	STIPULATION AND <del>PROPOSED</del> ORDER
		)	REGARDING AMENDMENT OF
15	ALL ACTIONS.	)	COMPLAINT AND MODIFICATION OF
	_____	)	BRIEFING SCHEDULE FOR
16		)	DEFENDANTS' MOTIONS TO DISMISS

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1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties stipulate as follows:

2 WHEREAS, on November 3, 2009, this Court entered the parties' stipulated schedule for the  
3 filing of an amended complaint and corresponding briefing schedule for defendants' motions to  
4 dismiss. Docket No. 199;

5 WHEREAS, the stipulation set deadlines of December 3, 2009, for the filing of an amended  
6 complaint and January 25, 2010, for the filing of defendants' motions to dismiss;

7 WHEREAS, on December 3, 2009, plaintiff filed the First Amended Consolidated Complaint  
8 for Violations of the Federal Securities Laws. Docket No. 205;

9 WHEREAS, pursuant to a temporary tolling agreement between plaintiff and former  
10 VeriFone Holdings, Inc. supply-chain controller Paul Periolat ("Periolat"), plaintiff agreed to  
11 temporarily defer naming Periolat as a defendant, without prejudice. *See* Declaration of Eli R.  
12 Greenstein Pursuant to Civil Local Rule 6-2(a) in Support of Stipulation and [Proposed] Order, ¶¶3-  
13 6, filed herewith;

14 WHEREAS, plaintiff and Periolat have mutually agreed to terminate the tolling agreement;

15 WHEREAS, plaintiff will file a Second Amended Complaint in conjunction with this  
16 stipulation to add Periolat as a defendant in the case;

17 WHEREAS, in accordance with Federal Rule of Civil Procedure 15(a)(2), and by this  
18 stipulation, all current defendants hereby consent to plaintiff's amendment of the complaint to add  
19 Periolat as a defendant. *See* Fed. R. Civ. P. 15(a)(2) ("[A] party may amend its pleading only with  
20 ***the opposing party's written consent*** or the court's leave.") (emphasis added);

21 WHEREAS, Periolat's counsel has requested 45 days to respond or move to dismiss  
22 plaintiff's Second Amended Complaint;

23 WHEREAS, the current deadline of January 25, 2010 does not provide adequate time for  
24 Periolat to respond to the Second Amended Complaint;

25 WHEREAS, the parties, including proposed defendant Periolat, respectfully submit that  
26 modification of the current briefing schedule to coordinate Periolat's motion to dismiss with the  
27 motions of all other defendants would be more efficient, less costly and more convenient for the  
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1 Court and the parties. A modified briefing schedule would allow the Court to assess all motions at  
2 the same time and hear all motions in one omnibus hearing; and

3 WHEREAS, a modification of the current briefing schedule will not impact or disrupt any  
4 other deadlines in the case;

5 1. NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties,  
6 through their undersigned counsel, that the current briefing schedule set forth in the November 3,  
7 2009 stipulated order shall be modified as follows:

- 8 • Plaintiff's Second Amended Complaint due: January 19, 2010
- 9 • Defendants' motions to dismiss the Second Amended Complaint due: March 5, 2010
- 10 • Plaintiff's opposition to motions to dismiss due: April 19, 2010
- 11 • Defendants' replies due: May 3, 2010
- 12 • Hearing on defendants' motions to dismiss: May 17, 2010 at 2:00 p.m.

13 IT IS SO STIPULATED.

14 DATED: January 12, 2010

COUGHLIN STOIA GELLER  
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17 \_\_\_\_\_ /s/  
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DATED: January 12, 2010

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DATED: January 12, 2010

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Attorneys for Defendant Barry Zwarenstein

DATED: January 12, 2010

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Attorneys for Defendant Paul Periolat

1 I, Eli R. Greenstein, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Regarding Amendment of Complaint and Modification of Briefing  
3 Schedule for Defendants' Motions to Dismiss. In compliance with General Order 45, X.B., I hereby  
4 attest that Brendan P. Cullen, Jordan D. Eth and Patrick D. Robbins have concurred in this filing.

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\_\_\_\_\_  
/s/  
ELI R. GREENSTEIN

\* \* \*

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

DATED: 1/13/2010

THE HONORABLE  
UNITED STATES



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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 12, 2010.

s/ Eli R. Greenstein  
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## Mailing Information for a Case 3:07-cv-06140-MHP

### Electronic Mail Notice List

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### Manual Notice List

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