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11 Attorneys for VERIFONE SYSTEMS, INC.  
 and Douglas Bergeron  
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14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 In re VERIFONE HOLDINGS, INC. )  
 SECURITIES LITIGATION )

Master File No. 3:07-cv-06140 EMC

18 **CLASS ACTION**

19 STIPULATION AND [~~PROPOSED~~] ORDER  
 20 EXTENDING TIME TO ANSWER

21 Assigned to: Hon. Edward M. Chen  
 Courtroom 5  
 22 Date Action Filed: December 4, 2007

1           WHEREAS, on September, 15, 2010, lead plaintiff National Elevator Industry Pension  
2 Fund (“plaintiff”) filed its Third Amended Consolidated Complaint (Dkt. #262);

3           WHEREAS, on October 5, 2010, defendants VeriFone Systems, Inc., Douglas Bergeron,  
4 and Barry Zwarenstein (collectively, “defendants”) filed their Motion to Dismiss plaintiff’s Third  
5 Amended Complaint (Dkt. #264);

6           WHEREAS, on March 8, 2011, the Hon. Marilyn H. Patel issued an Amended  
7 Memorandum and Order Re: Defendants’ Motion to Dismiss Plaintiffs’ Third Amended Complaint,  
8 granting defendants’ Motion to Dismiss and dismissing plaintiff’s Third Amended Complaint with  
9 prejudice (“Order Granting Motion to Dismiss”) (Dkt. #275);

10           WHEREAS, on April 5, 2011, plaintiff filed a Notice of Appeal of Judge Patel’s Order  
11 Granting Motion to Dismiss with the Court of Appeals for the Ninth Circuit (“Ninth Circuit”) (Dkt.  
12 #282);

13           WHEREAS, on December 21, 2012, the Ninth Circuit panel reversed, in part, the Order  
14 Granting Motion to Dismiss, and reinstated plaintiff’s Third Amended Complaint (Case No. 11-15860,  
15 Dkt. #58);

16           WHEREAS, on January 30, 2013, the Ninth Circuit denied defendants’ petition for  
17 rehearing en banc (Case No. 11-15860, Dkt. #61);

18           WHEREAS, on February 8, 2013, the Ninth Circuit issued a mandate in accordance with  
19 Fed. R. App. Proc. 41 and Ninth Cir. Rule 41-1 & -2 remanding the action back to the District Court;

20           WHEREAS, the parties held a Rule 26(f) conference on February 26, 2013;

21           WHEREAS, defendants requested, and plaintiff agreed, to extend the time for defendants  
22 to answer so that the parties could prepare for and participate in a mediation, which took place on March  
23 26, 2013;

24           NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between plaintiff  
25 and defendants, by and through their respective counsel, that:  
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1           1.       Defendants will file their answers to the plaintiff's Third Amended Complaint on  
2 or before April 30, 2013.

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4 DATED: April 1, 2013

/s/ Brendan P. Cullen

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*Attorneys for VeriFone Systems, Inc. and Douglas  
Bergeron*

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15 DATED: April 1, 2013

/s/ Jordan Eth

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*Attorneys for Barry Zwarenstein*

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22 DATED: April 1, 2013

/s/ Christopher P. Seefer

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*Attorneys for Lead Plaintiff National Elevator  
Industry Pension Fund*

1 I, Brendan P. Cullen, am the ECF user whose User ID and Password are being used to  
2 file this STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO ANSWER. In  
3 compliance with General Order 45, X.B, I hereby attest that the other signatories listed have concurred  
4 in this filing.

5 Dated: April 1, 2013  
6

7 /s/ Brendan P. Cullen

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16 *Attorneys for VeriFone Systems, Inc. and  
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**ORDER**

THE FOREGOING STIPULATION  
IS APPROVED AND IS SO ORDERED.

4/3/13

Dated: \_\_\_\_\_



EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE