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 and Douglas Bergeron

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

In re VERIFONE HOLDINGS, INC.  
 SECURITIES LITIGATION

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

**CLASS ACTION**

)  
 ) STIPULATION AND [PROPOSED] ORDER  
 ) EXTENDING TIME TO ANSWER AND  
 ) EXCHANGE INITIAL DISCLOSURES  
 )

) Assigned to: Hon. Edward M. Chen  
 ) Courtroom 5  
 ) 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, the parties participated in a mediation on March 26, 2013;

22 WHEREAS, the mediation is still ongoing;

23 WHEREAS, on April 3, 2013, the Court entered a Case Management Conference Order  
24 in Reassigned Case, which set a case management conference for June 27, 2013;

25 WHEREAS, on April 3, 2013, the Court so-ordered the parties’ Stipulation and Order  
26 Extending Time to Answer, which extended defendants’ time to answer until April 30, 2013;

1 WHEREAS, on May 2, 2013, the Court so-ordered the parties' Stipulation and Order  
2 Extending Time to Answer and Exchange Initial Disclosures, which extended defendants' time to  
3 answer and the parties' time to exchange initial disclosures until May 20, 2013;

4 WHEREAS, on May 20, 2013, the Court so-ordered the parties' Stipulation and Order  
5 Extending Time to Answer and Exchange Initial Disclosures, which extended defendants' time to  
6 answer and the parties' time to exchange initial disclosures until June 14, 2013;

7 WHEREAS, the parties wish to further extend the time for defendants to answer the  
8 complaint and for the parties to exchange their initial disclosures pursuant to Fed. R. Civ. P 26(a)(1);

9 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between plaintiff  
10 and defendants, by and through their respective counsel, that:

11 1. Defendants will file their answers to the plaintiff's Third Amended Complaint on  
12 or before July 12, 2013;

13 2. Plaintiff and defendants will exchange their initial disclosures pursuant to Fed. R.  
14 Civ. P. 26(a)(1) on or before July 12, 2013.

15  
16 DATED: June 14, 2013

/s/ Brendan P. Cullen

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

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26 DATED: June 14, 2013

/s/ Jordan Eth

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DATED: June 14, 2013

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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 AND  
3 EXCHANGE INITIAL DISCLOSURES. In compliance with General Order 45, X.B, I hereby attest  
4 that the other signatories listed have concurred in this filing.

5 Dated: June 14, 2013

6 /s/ Brendan P. Cullen

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21 *Attorneys for VeriFone Systems, Inc. and*  
22 *Douglas Bergeron*  
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**ORDER**

THE FOREGOING STIPULATION  
IS APPROVED AND IS SO ORDERED.

6/24/13

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



\_\_\_\_\_  
THE HONORABLE EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE