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11 Attorneys for VERIFONE SYSTEMS, INC.
and Douglas Bergeron

12

13

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16

17 In re VERIFONE HOLDINGS, INC.) Master File No. 3:07-cv-06140 EMC
18 SECURITIES LITIGATION)
19)
20)
21)
22)

CLASS ACTION

19) STIPULATION AND [PROPOSED] ORDER
20) EXTENDING TIME TO ANSWER AND
21) EXCHANGE INITIAL DISCLOSURES
22)

23) Assigned to: Hon. Edward M. Chen
24) Courtroom 5
25) Date Action Filed: December 4, 2007
26)
27)
28)

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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25 *Attorneys for VeriFone Systems, Inc. and Douglas
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26
27 DATED: June 14, 2013

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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*

ORDER

THE FOREGOING STIPULATION
IS APPROVED AND IS SO ORDERED.

6/24/13

Dated: _____



THE HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE