

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 SUSAN S. MUCK (CSB NO. 126930)
smuck@fenwick.com
2 JENNIFER BRETAN (CSB NO. 233475)
jbretan@fenwick.com
3 FENWICK & WEST LLP
555 California Street, 12th Floor
4 San Francisco, California 94104
Telephone: (415) 875-2300
5 Facsimile: (415) 281-1350

6 JAY L. POMERANTZ (CSB NO. 209869)
jpomerantz@fenwick.com
7 FELIX S. LEE (CSB NO. 197084)
flee@fenwick.com
8 FENWICK & WEST LLP
Silicon Valley Center
9 801 California Street
Mountain View, California 94041
10 Telephone: (650) 988-8500
Facsimile: (650) 938-5200

11 Attorneys for Defendants
12 Immersion Corporation, Victor A. Viegas, Clent
Richardson, Stephen Ambler and Daniel Chavez

13 [Additional counsel appear on signature page.]
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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 FRANK HODGES, Individually and on
Behalf of All Others Similarly Situated,
19
20 Plaintiff,
21
22 v.
23 IMMERSION CORPORATION, VICTOR
A. VIEGAS, RALPH EDWARD
CLENTON RICHARDSON, STEPHEN
M. AMBLER and DANIEL J. CHAVEZ,
24
25 Defendants.

Case No. 09-cv-04073-MMC

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

1 WHEREAS, the above-captioned action, *Hodges v. Immersion Corporation et al.*, filed on
2 September 2, 2009 (“*Hodges*”), is alleged to be a class action asserting violations of the federal
3 securities laws against Defendants Immersion Corporation (“Immersion”), Victor A. Viegas,
4 Ralph Edward Clenton Richardson, Stephen M. Ambler and Daniel J. Chavez;

5 WHEREAS, on September 2, 2009, this Court issued an order in the above-captioned
6 action (Dkt No. 2) setting an Initial Case Management Conference for December 11, 2009 and the
7 following deadlines:

- 8 1. November 20, 2009 for the parties to comply with certain requirements under the
9 Federal Rules of Civil Procedure and the Northern District of California Civil Local
10 Rules (“Local Rules” or “Civil L.R.”) and Alternative Dispute Resolution (“ADR”)
11 Local Rules regarding discovery, early settlement, and the ADR Multi-Option
12 Program; and
- 13 2. December 4, 2009 for the parties to file a Rule 26(f) Report, complete initial
14 disclosures or state objection in Rule 26(f) Report and file a Case Management
15 Statement;

16 WHEREAS, on October 19, 2009, the Court issued an order (Dkt No. 20) relating this
17 action and the following later filed actions:

18 *Posner v. Immersion Corporation, et al.*, Case No. 4:09-cv-04118-PJH, filed on September
19 4, 2009 (alleged securities class action) (“*Posner*”);

20 *Bilodeau v. Viegas, et al.*, Case No. 5:09-cv-04291-RS, filed on September 15, 2009
21 (alleged derivative action) (“*Bilodeau*”);

22 *Barrios v. Immersion Corporation, et al.*, Case No. 5:09-cv-04412-JW (HRL), filed on
23 September 18, 2009 (alleged securities class action) (“*Barrios*”);

24 *Buell v. Viegas, et al.*, Case No. 3:09-cv-04561-CRB, filed on September 28, 2009 (alleged
25 securities class action) (“*Buell*”);

26 *Semelis v. Richardson, et al.*, Case No. 5:09-cv-04599-RS, filed on September 29, 2009
27 (alleged derivative action) (“*Semelis*”); and

28 *Benson v. Immersion Corporation, et al.*, Case No. 5:09-cv-04744-HRL, filed on October
5, 2009 (alleged securities class action) (“*Benson*”);

 WHEREAS, on October 29, 2009, a third alleged derivative action was filed, *Mello v.*
Richardson, et al., Case No. 4:09-cv-05137-SBA (“*Mello*”). On November 4, 2009, the plaintiff in

1 *Mello* filed an administrative motion to relate *Mello* with those cases related by this Court on
2 October 19, 2009 (Dkt No. 29);

3 WHEREAS, *Hodges*, as well as the related securities actions of *Posner*, *Barrios*, *Buell* and
4 *Benson*, are subject to the requirements of the Private Securities Litigation Reform Act of 1995,
5 Pub.L. No. 104-67, 109 Stat. 737 (1995) (the “Reform Act”), which sets forth specialized
6 procedures for the administration of securities class actions;

7 WHEREAS, the Reform Act provides for the appointment of a lead plaintiff to act on
8 behalf of the purported class, and further provides that the appointment of lead plaintiff shall not
9 be made until after a decision on a motion to consolidate is rendered (15 U.S.C. §78u-
10 4(a)(3)(B)(ii));

11 WHEREAS, on November 2, 2009, two motions for consolidation of *Hodges* with the
12 *Posner*, *Barrios*, *Buell* and *Benson* actions, appointment of lead plaintiff, and approval of lead
13 counsel in the proposed consolidated action were filed. One motion was filed by proposed lead
14 plaintiff John P. Loos and noticed for hearing on December 18, 2009 (Dkt Nos. 24-25). The other
15 motion was filed by proposed lead plaintiff Norbert Muller and noticed for hearing on December
16 11, 2009 (Dkt Nos. 22-23);

17 WHEREAS, once there is a determination on the above motions for consolidation, lead
18 plaintiff and approval of lead counsel, the parties anticipate that the lead plaintiff and the
19 defendants will confer regarding the timing for filing a consolidated complaint and a schedule for
20 motions to dismiss;

21 WHEREAS, the parties further anticipate that the timing of the filing of a consolidated
22 complaint will take into consideration Immersion’s previously announced internal investigation
23 into certain previous revenue transactions and intent to restate certain financial statements
24 previously filed with the Securities and Exchange Commission;

25 WHEREAS, pursuant to the Reform Act, unless otherwise ordered by the Court, discovery
26 in this action is stayed during the pendency of any motion to dismiss (15 U.S.C. § 78u-4(b)(3)(B));

27 WHEREAS, counsel for the plaintiff and defendants in the above-captioned action
28 respectfully submit that good cause exists to vacate the existing December 11, 2009 case

1 management conference and ADR deadlines until such time as the Court has the opportunity to
2 rule on the pending motions for consolidation, appointment of lead plaintiff, approval of lead
3 counsel, and a schedule for the filing of the consolidated complaint by the appointed lead plaintiff
4 as well as motions to dismiss said complaint has been approved by the Court.

5 IT IS ACCORDINGLY STIPULATED, pursuant to Civil L.R. 7-12, by and between
6 undersigned counsel for the parties, that: (i) pursuant to Civil L.R. 16-2, that the Initial Case
7 Management Conference scheduled for December 11, 2009 be vacated and rescheduled for a date
8 that is not less than 30 days after the filing of a consolidated complaint, or such other time as the
9 Court shall determine to be appropriate; and (ii) that all associated ADR Multi-Option Program
10 deadlines likewise be deferred.

11 Dated: November 11, 2009

FENWICK & WEST LLP
JENNIFER C. BRETAN

12
13
14 By: /s/ Jennifer C. Bretan
 Jennifer C. Bretan

15 555 California Street, 12th Floor
16 San Francisco, California 94104
17 Telephone: 415/875-2300
415/281-1350 (fax)

18 FENWICK & WEST LLP
19 JAY L. POMERANTZ
20 FELIX S. LEE
21 Silicon Valley Center
22 801 California Street
Mountain View, California 94041
Telephone: 650/988-8500
650/938-5200 (fax)

23 Attorneys for Defendants
24 Immersion Corporation, Victor A. Viegas,
25 Clent Richardson, Stephen Ambler and Daniel
26 Chavez

27 //
28 //

1 Dated: November 11, 2009

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
WILLOW E. RADCLIFFE

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3
4 By: /s/ Willow E. Radcliffe
Willow E. Radcliffe

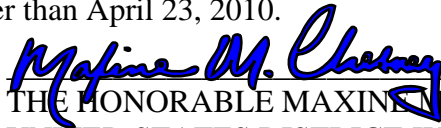
5
6 100 Pine Street, 26th Floor
San Francisco, CA 94111
7 Telephone: 415/288-4545
415/288-4534 (fax)

8
9 ABRAHAM FRUCHTER & TWERSKY LLP
JACK G. FRUCHTER
10 One Pennsylvania Plaza, Suite 2805
New York, NY 10119
11 Telephone: 212/279-5050
212/279-3655 (fax)

12
13 KENDALL LAW GROUP, LLP
JOE KENDALL
14 HAMILTON LINDLEY
3232 McKinney Avenue, Suite 700
15 Dallas, TX 75204
Telephone: 214/744-3000
16 214/744-3015 (fax)
Attorneys for Plaintiff Frank Hodges

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED, with the exception that the
19 Case Management Conference is hereby CONTINUED to April 30, 2010. A Joint Case
Management Statement shall be filed no later than April 23, 2010.

20 Dated: _____ November 16 _____, 2009


21 THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

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