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 and the INDIVIDUAL DEFENDANTS

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14  
 15 UNITED STATES DISTRICT COURT  
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17  
 18 In re ORACLE CORPORATION DERIVATIVE  
 LITIGATION

Master File No. C-10-3392-RS

19  
 20 **STIPULATION AND**  
**[PROPOSED] ORDER**  
 21 **EXTENDING TIME TO**  
**RESPOND TO COMPLAINT**

**STIPULATION**

1  
2           WHEREAS, the complaint in *Galaviz v. Berg, et al.*, No. C-10-3392 RS, was filed in this  
3 Court on August 2, 2010, against Jeffrey S. Berg, H. Raymond Bingham, Michael J. Boskin,  
4 Safra A. Catz, Lawrence J. Ellison, Hector Garcia-Molina, Jeffrey O. Henley, Donald L. Lucas,  
5 Charles E. Phillips, Jr., and Naomi O. Seligman (the “Individual Defendants”); and Nominal  
6 Defendant Oracle Corporation (“Oracle”) (collectively, the “Defendants”); and

7           WHEREAS, the complaint in *Prince v. Berg et al.*, No. C-10-4233 RS, was filed in the  
8 Superior Court for the State of California for San Mateo County on August 19, 2010, against the  
9 Defendants; and

10           WHEREAS, on September 20, 2010, Oracle removed *Prince v. Berg, et al.* to this Court;  
11 and

12           WHEREAS, on February 8, 2011, this Court ordered the two actions consolidated for all  
13 purposes; and

14           WHEREAS, the Court ordered Plaintiffs to file a Consolidated Complaint no later than  
15 February 10, 2011; and

16           WHEREAS, the Court ordered Defendants to respond to the Consolidated Complaint no  
17 later than February 25, 2011; and

18           WHEREAS, the briefing schedule Court’s February 8, 2011 Order assumed no substantive  
19 amendments to the consolidated complaint; and

20           WHEREAS, the Court ordered the parties to meet and confer regarding the schedule if the  
21 Consolidated Complaint differed from the original complaints; and

22           WHEREAS, Plaintiffs filed their Consolidated Complaint on February 10, 2011; and

23           WHEREAS, the Consolidated Complaint adds approximately 65 paragraphs, comprising  
24 approximately 22 pages, of allegations concerning matters not described in the original  
25 complaints;

26           WHEREAS, the parties have accordingly met and conferred pursuant to the Court’s  
27 February 8, 2011 Order, and have agreed to an extension of the deadline for the filing of  
28 Defendants’ response;

1           WHEREAS, the agreed-upon extension is not for the purpose of delay, promotes judicial  
2 efficiency, and will not cause prejudice to any party; and

3           WHEREAS, the Case Management Conference in this action is currently scheduled for  
4 June 2, 2011, the date the parties propose for the hearing on Defendants' motions;

5           THEREFORE, IT IS HEREBY STIPULATED AND AGREED that Defendants have up  
6 through and including March 31, 2011, to respond to the Consolidated Complaint. Plaintiffs shall  
7 file and serve their opposition no later than April 28, 2011. Defendants shall file and serve their  
8 reply, if any, no later than May 19, 2011. The hearing on Defendants' motions, if any, will be  
9 held on June 2, 2011, or at another date convenient for the Court.

10           The parties note that, under this proposed schedule, both the hearing on Defendants'  
11 motions to dismiss and the case management conference are set for June 2, 2011. It may be more  
12 convenient for the Court to schedule the hearing on Defendants' motions to dismiss and the case  
13 management conference at the same time on June 2, 2011.

14           Dated: February 17, 2011

MORRISON & FOERSTER LLP

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16           By:         /s/ Philip T. Besirof          
17                                 Philip T. Besirof

18                                 Attorneys for Nominal Defendant  
19                                 ORACLE CORPORATION; and  
20                                 Individual Defendants JEFFREY S.  
21                                 BERG, H. RAYMOND BINGHAM,  
22                                 MICHAEL J. BOSKIN, SAFRA A.  
23                                 CATZ, LAWRENCE J. ELLISON,  
24                                 HECTOR GARCIA-MOLINA, JEFFREY  
25                                 O. HENLEY, DONALD L. LUCAS,  
26                                 CHARLES E. PHILLIPS, JR., and  
27                                 NAOMI O. SELIGMAN

24           Dated: February 17, 2011

COTCHETT, PITRE & McCARTHY, LLP

26           By:         /s/ Jordanna G. Thigpen          
27                                 Jordanna G. Thigpen

28                                 Co-Lead Counsel for Plaintiffs

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**IT IS SO ORDERED.**

Dated 2/18/11

  
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Hon. Richard Seeborg  
United States District Court