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Attorneys for Defendants
OCLARO, INC., ALAIN COUDER,
JERRY TURIN, and JAMES HAYNES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CURTIS and CHARLOTTE WESTLEY,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

OCLARO, INC., et al.,

Defendants.

Case No. C11-2448 EMC
and related consolidated action

IN RE OCLARO, INC. DERIVATIVE
LITIGATION,

Lead Case No. C11-3176 EMC
(Derivative Action)

This Document Relates to:

No. C11-2448 EMC

**STIPULATION AND [PROPOSED]
ORDER RECHEDULING CASE
MANAGEMENT CONFERENCE**

1 WHEREAS, on May 19, 2011, plaintiffs Curtis and Charlotte Westley filed a Class Action
2 Complaint for Violation of the Federal Securities Laws (“Complaint”) (Dkt. No. 1) against
3 defendants Oclaro, Inc., Alain Couder, Jerry Turin, and James Haynes in the above-entitled matter;

4 WHEREAS, on October 27, 2011, Lead Plaintiff Connecticut Laborers’ Pension Fund
5 (“Lead Plaintiff”) filed an Amended Complaint for Violation of the Federal Securities Laws
6 (“Amended Complaint”) (Dkt. No. 39) against Defendants Oclaro, Inc., Alain Couder, and Jerry
7 Turin (collectively, “Defendants”);

8 WHEREAS, on December 12, 2011, Defendants filed a motion to dismiss the Amended
9 Complaint (Dkt. No. 44);

10 WHEREAS, on March 27, 2012, the Court issued an Order granting Defendants’ motion to
11 dismiss the Amended Complaint and Lead Plaintiff leave to amend (Dkt. No. 58);

12 WHEREAS, on April 26, 2012, Lead Plaintiff filed a Second Amended Complaint for
13 Violation of the Federal Securities Laws (“Second Amended Complaint”) (Dkt. No. 62);

14 WHEREAS, on May 25, 2012, Defendants filed a motion to dismiss the Second Amended
15 Complaint (Dkt. No. 63);

16 WHEREAS, on September 21, 2012, the Court issued an Order granting Defendants’ motion
17 to dismiss the Second Amended Complaint and Lead Plaintiff leave to amend (“September 21
18 Order”) (Dkt. No. 79);

19 WHEREAS, on October 4, 2012, Lead Plaintiff filed a Motion for Leave to File Motion for
20 Reconsideration of the September 21 Order (“Motion for Leave”) (Dkt. No. 82);

21 WHEREAS, on October 29, 2012, the Court issued notice rescheduling the Case
22 Management Conference for December 11, 2012 and the filing of the parties’ Joint Case
23 Management Statement for December 4, 2012 (Dkt. No. 90);

24 WHEREAS, on October 30, 2012, Defendants filed an Opposition to Lead Plaintiff’s Motion
25 for Leave (Dkt. No. 91);

26 WHEREAS, on November 16, 2012, Lead Plaintiff filed a Reply in Support of the Motion
27 for Leave (Dkt. No. 93);

28 WHEREAS, on November 28, 2012, the Court issued notice providing that the parties would

1 not need to file a Case Management Conference Statement on December 4, 2012 (Dkt. No. 95);

2 WHEREAS, on December 10, 2012, the Court issued notice rescheduling the Case
3 Management Conference for January 17, 2013 and the filing of the parties' Joint Case Management
4 Statement for January 10, 2013 (Dkt. No. 97);

5 WHEREAS, on December 11, 2012, the Court held a hearing on Lead Plaintiff's Motion for
6 Leave and has yet to issue an order;

7 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C.
8 § 78u-4(b)(3)(B), discovery is currently stayed during the pendency of Defendants' motion to
9 dismiss;

10 WHEREAS, based on the discovery stay and in order to avoid the unnecessary expenditure
11 of the Court's resources or effort by the parties to this action, the parties have agreed, subject to the
12 Court's approval, that there is no need at this time for the parties to file the Joint Case Management
13 Conference Statement or have a Case Management Conference; and

14 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
15 arguments, or defenses otherwise available to the parties to this action.

16 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
17 stipulate as follows:

- 18 1. The parties do not need to file a Case Management Conference Statement on January
19 10, 2013 or have a Case Management Conference on January 17, 2013.

20 DATED: January 8, 2013

21 **ROBBINS GELLER RUDMAN &**
22 **DOWD LLP**

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27 and

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*Counsel for Defendants Oclaro, Inc., Alain Couder,
Jerry Turin*

Counsel for Plaintiffs

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order Rescheduling Case Management Conference. Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Gidon M. Caine, attest that concurrence in the filing of this document has been obtained.

DATED: JANUARY 8, 2013

/S/ GIDON M. CAINE
GIDON M. CAINE (CAL. STATE BAR NO. 188110)

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Further CMC is reset for 3/21/13 at 10:30 a.m. An updated joint CMC statement shall be filed by 3/14/13.

DATED: 1/9/13

HON. EDWARD M. CHEN
United States District Court Judge

