

1 Gidon M. Caine (Cal. State Bar No. 188110)  
 2 ALSTON & BIRD LLP  
 3 275 Middlefield Road  
 4 Suite 150  
 5 Menlo Park, California 94025-4008  
 Telephone: (650) 838-2000  
 Facsimile: (650) 838-2001  
 gidon.caine@alston.com

Shawn A. Williams (213113)  
 Sunny S. Sarkis (258073)  
 ROBBINS GELLER RUDMAN & DOWD  
 LLP  
 Post Montgomery Center  
 One Montgomery Center, Suite 1800  
 San Francisco, CA 94104  
 Telephone: (415) 288-4545  
 Facsimile: (415) 288-4534

6 Jessica P. Corley (admitted *pro hac vice*)  
 7 Andrew T. Sumner (admitted *pro hac vice*)  
 8 ALSTON & BIRD LLP  
 9 One Atlantic Center  
 10 1201 West Peachtree Street  
 11 Atlanta, Georgia 30309-3424  
 Telephone: (404) 881-7000  
 Facsimile: (404) 881-7777  
 jessica.corley@alston.com

Julie A. Kearns  
 ROBBINS GELLER RUDMAN & DOWD  
 LLP  
 655 West Broadway, Suite 1990  
 San Diego, CA 92101  
 Telephone: (619) 231-1058  
 Facsimile: (619) 231-7423

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

*Lead Counsel for Plaintiffs*

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

14 CURTIS AND CHARLOTTE WESTLEY,  
 15 Individually and on Behalf of All Others  
 16 Similarly Situated,  
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No. C11-02448-EMC (NC)  
 and related consolidated action  
 (Lead Case No. C11-3176-EMC)  
 (Derivative Action)

Plaintiffs,

vs.

OCLARO, INC., et al.,

Defendants.

In re OCLARO, INC. DERIVATIVE  
 LITIGATION

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

This Document Relates To:

*Westley v. Oclaro, Inc., et al.,*  
 C11-02448-EMC.

**STIPULATION AND [PROPOSED] ORDER PARTIALLY STAYING MATTER**

1           WHEREAS, on May 19, 2011, plaintiffs Curtis and Charlotte Westley filed a complaint  
2 (Dkt. No. 1) against defendants Oclaro, Inc., Alain Couder, Jerry Turin, and James Haynes;

3           WHEREAS, on September 12, 2011, this Court issued an Order Granting Connecticut  
4 Laborers' Pension Fund's Motion for Appointment as Lead Plaintiff and Approval of Selection of  
5 Counsel;

6           WHEREAS, on April 27, 2012, lead plaintiff filed a Second Amended Complaint for  
7 Violations of the Federal Securities Laws ("SAC");

8           WHEREAS, on September 21, 2012, this Court issued an Order Granting Defendants'  
9 Motion to Dismiss the Second Amended Complaint;

10           WHEREAS, on January 10, 2013, this Court issued an Order Granting in Part and Denying  
11 in Part Plaintiffs' Motion for Leave to File Motion for Reconsideration finding that the SAC had  
12 adequately alleged claims arising from alleged false statements in May and June 2010 (Dkt. No.  
13 107);

14           WHEREAS, on January 30, 2013, this Court entered a minute order, that *inter alia* limited  
15 discovery to the issue of scienter with respect to certain statements and setting a discovery cutoff, a  
16 deadline for the filing of a Third Amended Complaint ("TAC"), briefing schedules in connection  
17 with defendants' motion to dismiss the TAC and defendants' motion for summary judgment with  
18 respect to scienter for the May and June statements, and an oral argument date for the motion for  
19 summary judgment (Dkt. No. 111);

20           WHEREAS, on March 1, 2013, lead plaintiff filed a TAC (Dkt. No. 121);

21           WHEREAS, on April 1, 2013, defendants filed a motion to dismiss the TAC (Dkt. No. 130);

22           WHEREAS, oral argument on defendants' motion to dismiss the TAC is currently scheduled  
23 for May 16, 2013;

24           WHEREAS, on April 3, 2013, this Court ordered *inter alia*, that defendants to produce  
25 certain documents by April 24, 2013, and to make a witness or witnesses available for deposition to  
26 testify on topics defined in lead plaintiff's Rule 30(b)(6) deposition notice (Dkt. No. 138);

1           WHEREAS, the parties have agreed, subject to this Court’s approval, to partially stay this  
2 matter, including discovery deadlines, until such time as this Court renders a decision on the motion  
3 to dismiss in order to obtain greater clarity on the ultimate scope of the litigation; and

4           WHEREAS, the parties enter this stipulation, not for the purposes of delay, but to efficiently  
5 manage this case going forward;

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

8           1.       All proceedings and deadlines in this matter are stayed, with the exception of  
9 proceedings related to the motion to dismiss the TAC, and the discovery to be produced on May 1,  
10 2013, until after this Court decides defendants’ motion to dismiss the TAC.

11          2.       Unless otherwise agreed by the parties or ordered by this Court, the January 30, 2013  
12 Order is hereby modified to provide that (i) the discovery cutoff shall be five weeks after this Court  
13 rules on defendants’ motion to dismiss the TAC; (ii) defendants’ summary judgment motion shall be  
14 filed no later than fourteen days after the discovery cutoff; and (iii) a hearing on the motion shall be  
15 set for the first Thursday on which Judge Chen is available, at 1:30 p.m., which is at least thirty-five  
16 days after the motion for summary judgment is filed.

17 DATED: San Francisco, California  
18           May 1, 2013

**ROBBINS GELLER RUDMAN  
& DOWD LLP**

/s/ Shawn A. Williams  
SHAWN A. WILLIAMS

SUNNY S. SARKIS  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)

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**ROBBINS GELLER RUDMAN  
& DOWD LLP**

JULIE A. KEARNS  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)

Lead Counsel for Plaintiffs

**ROBERT M. CHEVERIE & ASSOCIATES  
GREGORY S. CAMPORA**

Commerce Center One  
333 E. River Drive, Suite 101  
East Hartford, CT 06108  
Telephone: 860/290-9610  
860/290-9611 (fax)

**HOLZER HOLZER & FISTEL, LLC**

MICHAEL I. FISTEL, JR.  
200 Ashford Center North, Suite 300  
Atlanta, GA 30338  
Telephone: 770/392-0090  
770/392-0029 (fax)

**DYER & BERENS LLP**

ROBERT J. DYER III  
JEFFREY A. BERENS  
303 East 17th Avenue, Suite 810  
Denver, CO 80203  
Telephone: 303/861-1764  
303/395-0393 (fax)

Additional Counsel for Plaintiff

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DATED: Menlo Park, California  
May 1, 2013

**ALSTON & BIRD LLP**

/s/ Gidon M. Caine  
GIDON M. CAINE

275 Middlefield Road, Suite 150  
Menlo Park, CA 94025-4008  
Telephone: 650/838-2000  
650/838-2001 (fax)

Jessica P. Corley (admitted *pro hac vice*)  
Andrew T. Sumner (admitted *pro hac vice*)  
ALSTON & BIRD LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Telephone: (404) 881-7000  
Facsimile: (404) 881-7777  
jessica.corley@alston.com

Attorneys for Defendants

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**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing STIPULATION AND [PROPOSED] ORDER STAYING DISCOVERY. 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: May 1, 2013

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

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 5/2/13

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

