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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., ALAIN COUDER, JERRY TURIN,  
and JAMES HAYNES,

Defendants.

Case No.: 3:11-CV-02448-EMC

**STIPULATION AND [PROPOSED]  
ORDER SCHEDULING FILING OF  
CONSOLIDATED COMPLAINT BY  
LEAD PLAINTIFFS, DEFENDANTS'  
RESPONSE THERETO, AND  
RESCHEDULING INITIAL CASE  
MANAGEMENT CONFERENCE**

**CLASS ACTION**

1 WHEREAS, Plaintiffs Curtis and Charlotte Westley (collectively, "Plaintiffs"), through  
2 their counsel, filed a purported class action complaint ("Complaint") against Defendants Oclaro,  
3 Inc., Alain Couder, Jerry Turin, and James Haynes (collectively, "Defendants") in the above-  
4 entitled matter on May 19, 2011;

5 WHEREAS, pursuant to the May 19, 2011 Case Management Conference Order, the  
6 Initial Case Management Conference is scheduled for August 30, 2011;

7 WHEREAS, the Complaint asserts claims under the federal securities laws that are  
8 subject to the procedural requirements of the Private Securities Litigation Reform Act of 1995  
9 ("Reform Act"), including those set forth in 15 U.S.C. § 78u-4;

10 WHEREAS, Defendants presently intend to file a motion to dismiss, which would trigger  
11 a stay of discovery under the Reform Act, 15 U.S.C. § 78u-4(b)(3)(B);

12 WHEREAS, pursuant to the Reform Act, 15 U.S.C. § 78u-4(a)(3), purported class  
13 members seeking to serve as Lead Plaintiff in this action must file a motion to be appointed as  
14 such no later than July 18, 2011;

15 WHEREAS, additional putative class action complaints similar to the Complaint may be  
16 filed before the July 18 deadline, and the parties may need to consider filing a motion to  
17 consolidate;

18 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort  
19 by the parties to this action and the Court prior to filing of the motion(s) for appointment of Lead  
20 Plaintiff, the parties to this action have agreed, in the interim prior to the appointment of Lead  
21 Plaintiff and subject to the Court's approval, to the continuance of the Initial Case Management  
22 Conference and an extension of time for Defendants to respond to the Complaint or any  
23 superseding Complaint; and

24 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,  
25 arguments, or defenses otherwise available to the parties to this action, including, by not limited  
26 to, the right to revisit the timing of the below-referenced pleadings and motions once Lead  
27 Counsel has been designated by the Court.

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

- 3 1. Defendants shall have no obligation to respond to the Complaint filed in the  
4 above-captioned action;
- 5 2. Lead Plaintiff(s) shall have forty-five (45) days after entry of an order appointing  
6 Lead Plaintiff(s) to file and serve a consolidated or amended complaint  
7 (“Consolidated or Amended Complaint”) or to notify Defendants that they shall  
8 be proceeding on the original Complaint;
- 9 3. Defendants shall file and serve any answer or other response within forty-five  
10 (45) days of service of the Consolidated or Amended Complaint or after  
11 notification by the Lead Plaintiff(s) that they shall be proceeding on the original  
12 Complaint;
- 13 4. Lead Plaintiff(s) shall file and serve any opposition to Defendants’ motion to  
14 dismiss within forty-five (45) days of service of the motion to dismiss;
- 15 5. Defendants shall file and serve a reply brief in support of the motion to dismiss  
16 within thirty (30) days of service of any opposition brief;
- 17 6. Service of any papers contemplated by this stipulation shall be accomplished by  
18 e-filing such papers with the Court and sending a courtesy copy via next day or  
19 Saturday delivery;
- 20 7. Oral argument on Defendants’ motion to dismiss will be held at such date and  
21 time as the parties shall agree upon prior to filing the motion to dismiss, or on  
22 such other date and time as the Court shall order;
- 23 8. Defendants agree to waive service of process to the extent that service has not  
24 been effected on all Defendants. This stipulation shall not be deemed to waive  
25 any defense other than as to sufficiency of service of process;
- 26 9. The parties agree that discovery in the above-captioned action shall be stayed  
27 pursuant to the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-  
28

4(b)(3)(B), until the Court issues an order resolving Defendants' motion to dismiss; and

10. The Initial Case Management Conference, currently scheduled for September 2, 2011, is hereby adjourned to: (a) 30 days after defendants file an answer; (b) 60 days after (i) the Court rules on Defendants' motion to dismiss and (ii) Lead Plaintiff(s) inform the Court that they will not further amend their Complaint; or (c) to such other date and time as this Court shall order. Until the date of such Case Management Conference, the stay of discovery shall stay in place, subject to the parties' right to seek to lift the stay pursuant to 15 U.S.C. § 78u-4(b)(3)(B).

DATED: June 29, 2011

**ROBBINS GELLER RUDMAN &  
DOWD LLP**

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*Counsel for Plaintiffs Curtis and Charlotte  
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*Counsel for Defendants Oclaro, Inc., Alain Couder,  
Jerry Turin, and James Haynes*

1 **SIGNATURE ATTESTATION**

2 I am the ECF User whose identification and password are being used to file the foregoing  
3 Stipulation and [Proposed] Order Scheduling Filing of Consolidated Complaint by Lead  
4 Plaintiffs, Defendants' Response Thereto, and Rescheduling Initial Case Management  
5 Conference. Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Gidon M.  
6 Caine, attest that concurrence in the filing of this document has been obtained.

7 DATED: JUNE 29, 2011

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

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Case Management conference  
11 is reset from 9/2/11 to 12/2/11 at 9:00 a.m. in Courtroom 5, 17th Fl. A joint CMC Statement shall  
12 be filed by 11/25/11.

13 DATED: 7/1/11

