

1 ROBBINS GELLER RUDMAN
 & DOWD LLP
 2 SHAWN A. WILLIAMS (213113)
 SUNNY S. SARKIS (258073)
 3 Post Montgomery Center
 One Montgomery Street, Suite 1800
 4 San Francisco, CA 94104
 Telephone: 415/288-4545
 5 415/288-4534 (fax)
 shawnw@rgrdlaw.com
 6 ssarkis@rgrdlaw.com
 – and –

7 JULIE A. KEARNS (246949)
 655 West Broadway, Suite 1900
 8 San Diego, CA 92101
 Telephone: 619/231-1058
 9 619/231-7423 (fax)
 jkearns@rgrdlaw.com

10 Lead Counsel for Plaintiffs

11 [Additional counsel appear on signature page.]

12 UNITED STATES DISTRICT COURT
 13
 14 NORTHERN DISTRICT OF CALIFORNIA

15 CURTIS AND CHARLOTTE WESTLEY, Individually and on Behalf of All Others Similarly Situated,)	No. C11-02448-EMC
)	and related consolidated action
)	(Lead Case No. C11-3176-EMC)
)	(Derivative Action)
16 Plaintiffs,)	
)	
17 vs.)	
)	
18 OCLARO, INC., et al.,)	
)	
19 Defendants.)	

20 _____)	
21 In re OCLARO, INC. DERIVATIVE LITIGATION)	Lead Case No. C11-3176-EMC (Derivative Action)
22 _____)	

23 This Document Relates To:
 24 *Westley v. Oclaro, Inc., et al.*,
 C11-02448-EMC.

26 STIPULATION AND [~~PROPOSED~~] ORDER CONTINUING CASE MANAGEMENT
 27 CONFERENCE AND EXTENDING DISCOVERY STAY
 28

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

3 WHEREAS, on January 30, 2013, the Court entered a minute order, that *inter alia* limited
4 discovery to the issue of scienter with respect to certain statements and set a discovery cutoff, a
5 deadline for the filing of the Third Amended Complaint (“TAC”), briefing schedules in connection
6 with defendants’ motion to dismiss the TAC and defendants’ motion for summary judgment with
7 respect to scienter for the May and June statements, and an oral argument date for the motion for
8 summary judgment (Dkt. No. 111);

9 WHEREAS, on May 2, 2013, the Court approved the parties’ joint stipulation to stay all
10 proceedings and deadlines in this action, with the exception of proceedings related to the motion to
11 dismiss the TAC, until such time as the Court rendered a decision on defendants’ motion to dismiss
12 the TAC and modified the Court’s January 30, 2013 minute order to provide the following: (i) the
13 discovery cutoff shall be five weeks after the Court rules on defendants’ motion to dismiss the TAC;
14 (ii) defendants’ summary judgment motion shall be filed no later than 14 days after the discovery
15 cutoff; and (iii) a hearing on the motion shall be set for the first Thursday on which Judge Chen is
16 available, at 1:30 p.m., which is at least 35 days after the motion for summary judgment is filed (Dkt.
17 No. 153);

18 WHEREAS, on May 30, 2013, the Court issued an order granting defendants’ motion to
19 dismiss the TAC with prejudice as to the scienter allegations for alleged misrepresentations in July
20 and August 2010 (Dkt. No. 157);

21 WHEREAS, on June 17, 2013, the Court approved the parties’ joint stipulation to (i) keep the
22 Case Management Conference (“CMC”) on calendar, for July 18, 2013 at 10:30 a.m.; (ii) adjourn the
23 hearing on defendants’ motion for summary judgment; and (iii) continue the stay of all proceedings
24 and deadlines in this action, including discovery deadlines, until after the CMC and a schedule for
25 the remainder of the action is in place (Dkt. No. 160).

26 WHEREAS, the parties have met and conferred in good faith concerning the prospects for a
27 non-litigated resolution of this action, and have scheduled a mediation for August 27, 2013 before
28 the Honorable Layn R. Phillips (Ret.);

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: July 11, 2013

ALSTON & BIRD LLP
GIDON M. CAINE

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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ALSTON & BIRD LLP
JESSICA P. CORLEY (admitted *pro hac vice*)
ANDREW T. SUMNER (admitted *pro hac vice*)
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: 404/881-7000
404/881-7777 (fax)
jessica.corley@alston.com
andy.sumner@alston.com

Attorneys for Defendants

Certificate Pursuant to Local Rule 5-1(i)(3)

I, Shawn A. Williams, am the ECF User whose identification and password are being used to file the STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND EXTENDING DISCOVERY STAY. In compliance with Local Rule 5-1(i)(3), I hereby attest that Gidon M. Caine has concurred in this filing.

Dated: July 11, 2013

s/ Shawn A. Williams
SHAWN A. WILLIAMS

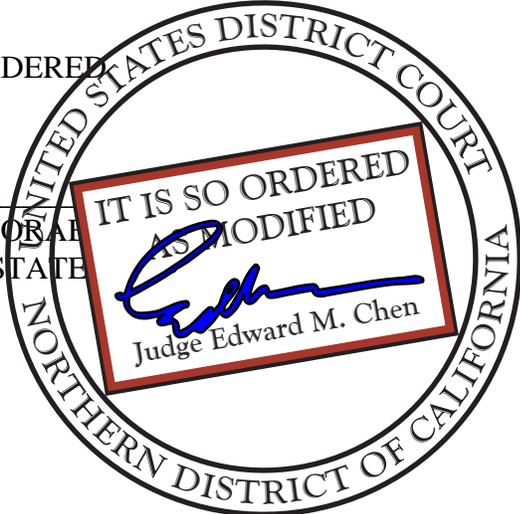
* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: _____
7/15/13

THE HONORABLE
UNITED STATES



1 CERTIFICATE OF SERVICE

2 I hereby certify that on July 11, 2013, I authorized the electronic filing of the foregoing with
3 the Clerk of the Court using the CM/ECF system which will send notification of such filing to the
4 e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-
6 CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on July 11, 2013.

9
10 s/ Shawn A. Williams
SHAWN A. WILLIAMS

11 ROBBINS GELLER RUDMAN
12 & DOWD LLP
13 Post Montgomery Center
14 One Montgomery Street, Suite 1800
15 San Francisco, CA 94104
16 Telephone: 415/288-4545
17 415/288-4534 (fax)
18 E-mail: shawnw@rgrdlaw.com
19
20
21
22
23
24
25
26
27
28

Mailing Information for a Case 3:11-cv-02448-EMC

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Gidon M. Caine**
gidon.caine@alston.com,joe.tully@alston.com,kathy.kirk@alston.com,chuck.mattson@alston.com
- **Jessica Perry Corley**
jessica.corley@alston.com
- **Michael I. Fistel , Jr**
mfistel@holzerlaw.com
- **Frank James Johnson**
frankj@johnsonandweaver.com,paralegal@johnsonandweaver.com,shawnf@johnsonandweaver.com,ceciliar@johnsonandweaver.com
- **Julie A. Kearns**
jkearns@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Tina Mehr**
tina.mehr@alston.com
- **Brian O. O'Mara**
bo'mara@csgrr.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Mark Punzalan**
markp@punzalanlaw.com,office@punzalanlaw.com
- **Darren Jay Robbins**
e_file_sd@rgrdlaw.com
- **Sunny September Sarkis**
Ssarkis@rgrdlaw.com
- **Andrew Townsend Sumner**
andy.sumner@alston.com
- **Joseph G Tully**
joe.tully@alston.com
- **David Conrad Walton**
davew@rgrdlaw.com
- **Shawn A. Williams**
shawnw@rgrdlaw.com,khuang@rgrdlaw.com,erinj@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Robert J. Dyer, III
Dyer & Berens LLP
303 East 17th Avenue, Suite 300
Denver, CO 80203