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

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

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

17 Plaintiffs,

18 v.

19 OCLARO, INC., et al.,

20 Defendants.

Case No. C11-2448 EMC
 and related consolidated action

21
 22 IN RE OCLARO, INC. DERIVATIVE
 LITIGATION,

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

24 This Document Relates to:
 25 WESTLEY v. OCLARO

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

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

4 WHEREAS, on July 1, 2011, upon the parties' stipulation, the Court issued an order
5 requiring the parties to file a Joint Case Management Conference Statement by November 25, 2011
6 and scheduling the Case Management Conference for December 2, 2011;

7 WHEREAS, on July 18, 2011, the Connecticut Laborers' Pension Fund (the "Fund") moved
8 the Court for an order appointing the Fund as Lead Plaintiff and approving its selection of counsel as
9 Lead Counsel;

10 WHEREAS, on September 12, 2011, the Court entered an order granting the Fund's motion
11 and appointing it as Lead Plaintiff;

12 WHEREAS, on October 27, 2011, Lead Plaintiff filed an amended complaint for violation of
13 the federal securities laws ("Amended Complaint") against defendants Oclaro, Inc., Alain Couder,
14 and Jerry Turin (collectively, "Defendants");

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

18 WHEREAS, Defendants presently intend to file a motion to dismiss the Amended Complaint
19 on December 12, 2011, which would trigger a stay of discovery under the Reform Act, 15 U.S.C. §
20 78u-4(b)(3)(B);

21 WHEREAS, under the current schedule stipulated by the parties and approved by the Court
22 on July 1, 2011, the briefing on the motion to dismiss will take place through the end of February
23 2012;

24 WHEREAS, the parties intend to request an oral argument date on the motion to dismiss in
25 March 2012;

26 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort by
27 the parties to this action and the Court prior to full briefing on the motion to dismiss, the parties to
28

1 this action have agreed, in the interim prior to the resolution of the motion to dismiss and subject to
2 the Court's approval, to the continuance of the Case Management Conference and all associated
3 obligations, including the filing of the Joint Case Management Statement; and

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

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

8 The Case Management Conference, currently scheduled for December 2, 2011, is hereby
9 adjourned to: (a) 30 days after Defendants file an answer; (b) 60 days after (i) the Court rules
10 on Defendants' motion to dismiss and (ii) Lead Plaintiff informs the Court that it will not
11 further amend their Complaint; or (c) to such other date and time as this Court shall order.

12 Until the date of such Case Management Conference, the stay of discovery pursuant to the
13 Reform Act shall stay in place, subject to the parties' right to seek to lift the stay pursuant to
14 15 U.S.C. § 78u-4(b)(3)(B).

15 DATED: November 22, 2011

16 **ROBBINS GELLER RUDMAN &
17 DOWD LLP**

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and

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Counsel for Plaintiffs

Counsel for Defendants Oclaro, Inc., Alain Couder,
Jerry Turin, and James Haynes

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: NOVEMBER 22, 2011

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The CMC is reset from 12/2/11 to 3/23/12 at 9:00 a.m. A joint CMC statement shall be filed by 3/16/12

DATED: 11/29/11

Edward M. Chen
District Court Judge

