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

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

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

14 WHEREAS, on April 20, 2012, the Court issued notice scheduling the Case Management  
15 Conference for September 28, 2012 and the filing of the parties’ Joint Case Management Statement  
16 for September 21, 2012 (Dkt. No. 61);

17 WHEREAS, on August 31, 2012, the Court held a hearing on Defendants’ motion to dismiss  
18 the Second Amended Complaint and has yet to issue an order resolving the motion;

19 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C.  
20 § 78u-4(b)(3)(B), discovery is currently stayed until the Court issues an order resolving Defendants’  
21 motion to dismiss the Second Amended Complaint;

22 WHEREAS, in order to avoid the unnecessary expenditure of the Court’s resources or effort  
23 by the parties to this action, the parties have agreed, subject to the Court’s approval, to a sixty (60)  
24 day continuance of the Case Management Conference and all associated obligations, including the  
25 filing of the Joint Case Management Statement; and

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

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

1. To the extent the Court does not issue an order resolving Defendants' motion to dismiss the Second Amended Complaint in the interim, the Case Management Conference, currently scheduled for September 28, 2012, is hereby continued to November 30, 2012, or another date at least sixty (60) days out from September 28, 2012 that is convenient to the Court;
2. To the extent the Court denies Defendants' motion to dismiss the Second Amended Complaint, the parties will work together to set another date for the Case Management Conference; and
3. The deadline for the Joint Case Management Statement, currently due September 21, 2012, shall be extended to one week prior to the rescheduled Case Management Conference.

DATED: September 20, 2012

**ROBBINS GELLER RUDMAN &  
DOWD LLP**

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and

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

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 Rescheduling Case Management Conference. Pursuant to General  
4 Order No. 45, Section X (B) regarding signatures, I, Gidon M. Caine, attest that concurrence in the  
5 filing of this document has been obtained.

6 DATED: SEPTEMBER 20, 2012

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

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

CMC is reset from 9/28/12 to 11/9/12  
at 9:00 a.m. A joint CMC Statement  
shall be filed by 11/2/12.

10 DATED: 9/21/12

11 HON. EDWARD M. CHEN  
12 District Court Judge

