

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

- and -

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

Lead Counsel for Plaintiffs

[Additional counsel appear on signature page.]

11 UNITED STATES DISTRICT COURT  
 12  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 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)
15 Plaintiffs,	)	
	)	
16 vs.	)	
	)	
17 OCLARO, INC., et al.,	)	
	)	
18 Defendants.	)	

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

21 _____	)
22 This Document Relates To:	)
	)
23 C11-02448-EMC.	)
_____	)

25 STIPULATION AND ~~PROPOSED~~ ORDER EXTENDING DEADLINE FOR  
 26 LEAD PLAINTIFF TO FILE THIRD AMENDED COMPLAINT

1           The parties, through their respective counsel of record, hereby submit this stipulated  
2 agreement regarding the deadline for lead plaintiff to file its third amended complaint.

3           WHEREAS, on September 21, 2012, the Court issued an Order Granting Defendants’  
4 Motion to Dismiss Second Amended Complaint (“September 21 Order”) (Dkt. No. 79);

5           WHEREAS, the September 21 Order provides that lead plaintiff must file a third amended  
6 complaint no later than 30 days from the date of entry of the September 21 Order, or by October 22,  
7 2012;

8           WHEREAS, on October 4, 2012, lead plaintiff filed a Motion for Leave to File Motion for  
9 Reconsideration of September 21, 2012 Order Granting Defendants’ Motion to Dismiss Second  
10 Amended Complaint (“Motion for Leave”) pursuant to Civil L.R. 7-9 (Dkt. No. 81);

11           WHEREAS, on October 9, 2012 the clerk issued a Notice that the Court had set a date for  
12 hearing on the Motion for Leave for November 9, 2012 at 1:30 p.m. (Dkt. No. 83);

13           WHEREAS, it is lead plaintiff’s position that it is in the best interest of all parties to await  
14 guidance from the Court in connection with lead plaintiff’s Motion for Leave before filing a third  
15 amended complaint;

16           WHEREAS, counsel for lead plaintiff has requested an agreement from defendants extending  
17 the date upon which lead plaintiff must file the third amended complaint until after the Court rules  
18 on the Motion for Leave; and

19           WHEREAS, counsel for defendants, in light of the request, has agreed to enter into a  
20 stipulation, subject to the approval of the Court, extending the date for lead plaintiff to file a third  
21 amended complaint until after the court rules on the Motion for Leave.

22  
23  
24  
25  
26  
27  
28

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

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

The deadline for lead plaintiff to file its third amended complaint shall be extended until 14 days after the Court issues an order on the Motion for Leave.

DATED: October 16, 2012

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS

s/ Shawn A. Williams  
SHAWN A. WILLIAMS

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

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 300  
Denver, CO 80203  
Telephone: 303/861-1764  
303/395-0393 (fax)

Additional Counsel for Plaintiff

1 DATED: October 16, 2012

ALSTON & BIRD LLP  
GIDON M. CAINE

2

3

s/ Gidon M. Caine

4

GIDON M. CAINE

5

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

6

7

Attorneys for Defendants

8

9

I, Shawn A. Williams, am the ECF User whose identification and password are being used to file the Stipulation and [Proposed] Order to Extend the Deadline for Plaintiff to File Third Amended Complaint. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Gidon M. Caine has concurred in this filing.

10

11

12

13

DATED: October 16, 2012

s/ Shawn A. Williams

14

SHAWN A. WILLIAMS

15

\* \* \*

16

**ORDER**

17

IT IS SO ORDERED.

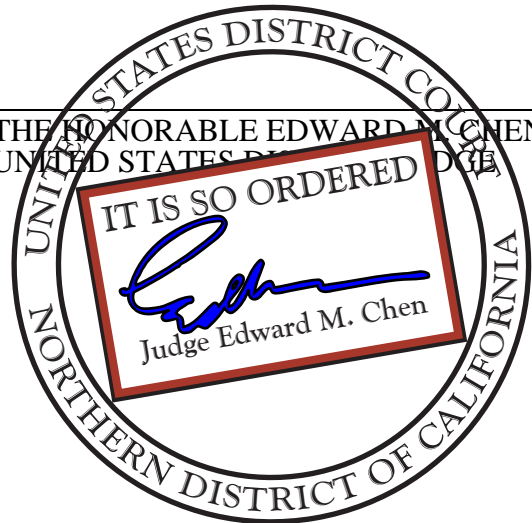
18

October 17, 2012

19

DATED: \_\_\_\_\_

THE HONORABLE EDWARD M. CHEN  
UNITED STATES DISTRICT COURT



20

21

22

23

24

25

26

27

28

1 CERTIFICATE OF SERVICE

2 I hereby certify that on October 16, 2012, I authorized the electronic filing of the foregoing  
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to  
4 the 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 October 16, 2012.

9 s/ Shawn A. Williams  
10 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

