

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

1 KEVIN P. MUCK (CSB No. 120918)
kmuck@fenwick.com
 2 CATHERINE KEVANE (CSB No. 215501)
ckevane@fenwick.com
 3 MARIE C. BAFUS (CSB No. 258417)
mbafus@fenwick.com
 4 FENWICK & WEST LLP
 555 California Street, 12th Floor
 5 San Francisco, CA 94104
 Telephone: (415) 875-2300
 6 Facsimile: (415) 281-1350

7 Attorneys for Defendants
 Steven Clontz, Gary Hromadko, Scott Kriens,
 8 William Luby, Irving Lyons, III, Christopher
 Paisley, Stephen Smith, Peter Van Camp and
 9 nominal defendant Equinix, Inc.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12
 13
 14 JOSEPH STOPA, derivatively on behalf of
 Nominal Defendant, EQUINIX, INC.,

15 Plaintiff,

16 vs.

17 STEVEN CLONTZ, GARY HROMADKO,
 SCOTT KRIENS, WILLIAM LUBY,
 18 IRVING LYONS, III, CHRISTOPHER
 PAISLEY, STEPHEN SMITH, PETER VAN
 19 CAMP,

20 Defendants.

21 and

22 EQUINIX, INC.,

23 Nominal Defendant.

Case No. 11-CV-02467-SC

Derivative Action

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING TEMPORARY
 STAY OF LITIGATION, EXTENSION
 OF TIME FOR ALL DEFENDANTS TO
 RESPOND TO COMPLAINT AND
 CONTINUING CASE MANAGEMENT
 CONFERENCE**

24
 25 This stipulation is entered into by and among plaintiff Joseph Stopa (“Plaintiff”) and
 26 defendants Steven Clontz, Gary Hromadko, Scott Kriens, William Luby, Irving Lyons, III,
 27 Christopher Paisley, Stephen Smith, Peter Van Camp and nominal defendant Equinix, Inc.
 28

STIPULATION AND [PROPOSED] ORDER
 RE: STAY, EXTENSION OF TIME TO
 RESPOND AND CONTINUING CMC

CASE NO. 11-CV-02467-SC

1 (collectively, “Defendants”), by and through their respective attorneys of record;

2 WHEREAS, presently pending before this Court is Plaintiff’s putative shareholder
3 derivative action against certain officers and directors of Equinix, Inc. (“Equinix” or the
4 “Company”) and against nominal defendant Equinix;

5 WHEREAS, Defendants have through and including July 26, 2011 to move, plead or
6 otherwise respond to Plaintiffs’ current complaint (“Current Complaint”);

7 WHEREAS, a related putative shareholder class action complaint, entitled *Cement*
8 *Masons & Plasterers Joint Pension Trust v. Equinix, Inc., et al.*, Case No. 11-CV-01016-SC
9 (N.D. Cal.), was filed in this Court on March 4, 2011 against Equinix and certain officers and
10 directors under the Private Securities Litigation Reform Act (“PSLRA”);

11 WHEREAS, pursuant to the PSLRA, motions for Lead Plaintiff and Lead Counsel have
12 been filed in the *Cement Masons* case;

13 WHEREAS, pursuant to an order of this Court in *Cement Masons*, a consolidated and/or
14 amended complaint will be filed following appointment of Lead Plaintiff and Lead Counsel, and
15 all other proceedings in *Cement Masons* are stayed in the interim;

16 WHEREAS, in an effort to assure consistent rulings and decisions, promote coordination
17 between the related federal shareholder class action and this putative shareholder derivative
18 action, avoid needless motion practice, avoid unnecessary duplication of effort, and conserve the
19 Court’s and parties’ resources, the parties have agreed to temporarily stay the above-captioned
20 action until a consolidated and/or amended complaint is filed in *Cement Masons*;

21 WHEREAS, a case management conference is currently set for September 9, 2011;

22 WHEREAS, in light of the foregoing, the parties believe that a case management
23 conference at this point would serve no purpose and would result in the needless expenditure of
24 private and judicial resources, and that the initial case management conference in this action
25 should be continued and have conferred with the Court and have been informed that November
26 18, 2011, at 10:00 a.m. is a convenient date for the case management conference;

27 ///

28 ///

1 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the
2 Parties, that:

3 1. The parties agree to temporarily stay the above-captioned action until a
4 consolidated and/or amended complaint is filed in *Cement Masons*. The Parties currently
5 anticipate that the consolidated and/or amended complaint in the *Cement Masons* case will be
6 filed forty-five (45) days after the date on which this Court appoints a lead plaintiff in the *Cement*
7 *Masons* case. On June 22, 2011, the clerk of this Court issued a notice in the *Cement Masons*
8 case informing the parties that the motion to appoint lead plaintiff and lead counsel is submitted
9 for a decision on the pleadings and that no oral argument will be held on that motion.

10 2. Defendants shall have no obligation to respond to the Current Complaint at this
11 time.

12 3. Plaintiff shall have until thirty (30) days after the date for the filing of a
13 consolidated and/or amended complaint in *Cement Masons* to file an amended complaint
14 (“Amended Complaint”) or to designate his current complaint as the operative complaint
15 (“Operative Complaint”).

16 4. Defendants shall have thirty (30) days after an Amended Complaint is filed or an
17 Operative Complaint is designated to move, plead or otherwise respond to the Amended or
18 Operative Complaint.

19 5. The case management conference presently scheduled for September 9, 2011 is
20 continued to November 18, 2011, at 10:00 a.m.

21 ///

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

Dated: July 7, 2011

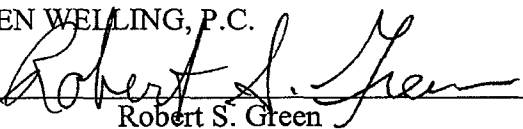
FENWICK & WEST LLP

By: 
Catherine Kevane

FENWICK & WEST, LLP

Attorneys for Defendants Steven Clontz, Gary Hromadko, Scott Kriens, William Luby, Irving Lyons, III, Christopher Paisley, Stephen Smith, Peter Van Kamp and nominal defendant Equinix, Inc.

Dated: July 7, 2011

GREEN WELLING, P.C.
By: 
Robert S. Green

GREEN WELLING, P.C.

FEDERMAN & SHERWOOD

Attorneys for Plaintiff
Joseph Stopa

Pursuant to General Order No. 45 Section X(B), all of the signatories concur in the filing of this stipulation.

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

~~PROPOSED~~ ORDER

Pursuant to the foregoing stipulation, it is hereby ordered that:

1. The above-captioned action is temporarily stayed until a consolidated and/or amended complaint is filed in *Cement Masons*.
2. Defendants shall have no obligation to respond to the Current Complaint at this time.
3. Plaintiff shall have until thirty (30) days after the date for the filing of a consolidated and/or amended complaint in *Cement Masons* to file an Amended Complaint or to designate his current complaint as the Operative Complaint.
4. Defendants shall have thirty (30) days after an Amended Complaint is filed or an Operative Complaint is designated to move, plead or otherwise respond to the Amended or Operative Complaint.
5. The case management conference presently scheduled for September 9, 2011 is continued to November 18, 2011, at 10:00 a.m.

Dated: 7/14/11

