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 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

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 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**

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.
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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, this action has been deemed related to a putative shareholder class action
6 complaint, entitled *Cement Masons & Plasterers Joint Pension Trust v. Equinix, Inc., et al.*, Case
7 No. 11-CV-01016-SC (N.D. Cal.) (“*Cement Masons*”), which is currently pending in this Court
8 against Equinix and certain officers and directors under the Private Securities Litigation Reform
9 Act (“PSLRA”);

10 WHEREAS, plaintiff in the *Cement Masons* case filed an Amended Complaint for
11 Violation of the Federal Securities Laws (“Amended Class Action Complaint”) on September 22,
12 2011 and defendants filed a motion to dismiss the *Cement Masons*’ Amended Class Action
13 Complaint on November 7, 2011;

14 WHEREAS, the operative complaint in this action is an Amended Complaint filed on
15 December 14, 2011;

16 WHEREAS, pursuant to stipulation of the parties, the Court has entered orders on July 14,
17 2011 and October 18, 2011 temporarily staying proceedings in this action pending a ruling on the
18 motion to dismiss in *Cement Masons*;

19 WHEREAS, on March 2, 2012, this Court granted defendants’ motion to dismiss the
20 *Cement Masons* Amended Class Action Complaint and provided plaintiffs in the *Cement Masons*
21 action thirty (30) days within which to amend the Amended Class Action Complaint (the “Second
22 Amended Class Action Complaint”);

23 WHEREAS, pursuant to stipulation of the parties in *Cement Masons*, the court entered an
24 order extending the time in which the *Cement Masons* plaintiffs must file their Second Amended
25 Class Action Complaint until May 2, 2012;

26 WHEREAS, if the plaintiffs in *Cement Masons* choose to file the Second Amended Class
27 Action Complaint, defendants in *Cement Masons* intend to move to dismiss any such complaint;

28 WHEREAS, in an effort to assure consistent rulings and decisions, promote coordination

1 between the related federal shareholder class action and this putative shareholder derivative
2 action, avoid needless motion practice, avoid unnecessary duplication of effort, and conserve the
3 Court's and parties' resources, the parties have agreed to continue the temporary stay of litigation
4 in the above-captioned action until thirty (30) days after either: (i) the plaintiffs in *Cement*
5 *Masons* file the Second Amended Class Action Complaint and the Court rules on any motion to
6 dismiss that Second Amended Class Action Complaint; or (ii) the time for the *Cement Masons*
7 plaintiffs to file the Second Amended Class Action Complaint lapses without any such complaint
8 having been filed;

9 WHEREAS, the parties to the above-captioned action will file a stipulation (the
10 "Stipulation") setting forth a briefing schedule on Plaintiff's Amended Complaint within thirty
11 (30) days after either of the following occurs: (i) the *Cement Masons* plaintiffs file the Second
12 Amended Class Action Complaint and the Court rules on any motion to dismiss that Second
13 Amended Class Action Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the
14 Second Amended Class Action Complaint lapses without any such complaint having been filed;

15 WHEREAS, Defendants shall have no obligation to respond the to the Amended
16 Complaint in the above-captioned action until after the Stipulation on the briefing schedule is
17 filed;

18 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the
19 Parties, that:

20 1. The parties agree to continue the temporary stay in the above-captioned action
21 until thirty (30) days after either (i) the plaintiffs in *Cement Masons* file the Second Amended
22 Class Action Complaint and the Court rules on any motion to dismiss that Second Amended
23 Class Action Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second
24 Amended Class Action Complaint lapses without any such complaint having been filed.

25 2. The parties to the above-captioned action will file a stipulation setting forth a
26 briefing schedule on Plaintiff's Amended Complaint within thirty (30) days after either of the
27 following occurs: (i) the *Cement Masons* plaintiffs file the Second Amended Class Action
28 Complaint and the Court rules on any motion to dismiss that Second Amended Class Action

1 Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second Amended Class
2 Action Complaint lapses without any such complaint having been filed.

3 3. Defendants shall have no obligation to respond to the Amended Complaint in the
4 above-captioned action until after the Stipulation setting forth a briefing schedule is filed.

5 Dated: March 27, 2012

FENWICK & WEST LLP

6 By: /s/ Catherine Kevane
7 Catherine Kevane

8 FENWICK & WEST, LLP

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

12 Dated: March 27, 2012

13 GREEN WELLING, P.C.

14 By: /s/ Robert S. Green
15 Robert S. Green

16 GREEN WELLING, P.C.

17 FEDERMAN & SHERWOOD

18 Attorneys for Plaintiff
19 Joseph Stopa

20 Pursuant to General Order No. 45 Section X(B), all of the signatories concur in the filing
21 of this stipulation.
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[PROPOSED] ORDER

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

1. The parties agree to continue the temporary stay in the above-captioned action until thirty (30) days after either (i) the plaintiffs in *Cement Masons* file the Second Amended Class Action Complaint and the Court rules on any motion to dismiss that Second Amended Class Action Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second Amended Class Action Complaint lapses without any such complaint having been filed.

2. The parties to the above-captioned action will file a stipulation setting forth a briefing schedule on Plaintiff's Amended Complaint within thirty (30) days after either of the following occurs: (i) the *Cement Masons* plaintiffs file the Second Amended Class Action Complaint and the Court rules on any motion to dismiss that Second Amended Class Action Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second Amended Class Action Complaint lapses without any such complaint having been filed.

3. Defendants shall have no obligation to respond to the Amended Complaint in the above-captioned action until after the Stipulation setting forth a briefing schedule is filed.

Dated: April 2, 2012



The Honorable Samuel Conti