

1 ALSTON & BIRD LLP  
 2 GIDON M. CAINE  
 275 Middlefield Road, Suite 150  
 Menlo Park, CA 94025-4008  
 Telephone: 650/838-2000  
 650/838-2001 (fax)  
 gidon.caine@alston.com

5 - and -

6 JESSICA P. CORLEY (admitted *pro hac vice*)  
 ANDREW T. SUMNER (admitted *pro hac vice*)  
 7 One Atlantic Center  
 1201 West Peachtree Street  
 8 Atlanta, Georgia 30309-3424  
 Telephone: 404/881-7000  
 9 404/881-7777 (fax)  
 jessica.corley@alston.com  
 10 andy.sumner@alston.com

11 Counsel for Defendants

12 [Additional counsel appear on signature page.]

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15	CURTIS AND CHARLOTTE WESTLEY,	)	No. C11-02448-EMC
	Individually and on Behalf of All Others	)	and related consolidated action
16	Similarly Situated,	)	(Lead Case No. C11-3176-EMC)
		)	(Derivative Action)
17	Plaintiffs,	)	
		)	
18	vs.	)	
		)	
19	OCLARO, INC., et al.,	)	
		)	
20	Defendants.	)	

21	In re OCLARO, INC. DERIVATIVE	)	Lead Case No. C11-3176-EMC
	LITIGATION	)	(Derivative Action)
22		)	

23 This Document Relates To:

24 *Westley v. Oclaro, Inc., et al.,*  
 25 C11-02448-EMC.

26  
 27 STIPULATION AND [REDACTED] ORDER  
 RESCHEDULING CASE MANAGEMENT CONFERENCE

28

1           WHEREAS, on August 26, 2013, the parties attended a mediation before the Honorable Layn  
2 R. Phillips (Ret.) in Newport Beach, California to explore a non-litigated resolution of this matter;

3           WHEREAS, on September 19, 2013, the parties filed with the Court a stipulation and  
4 proposed order, wherein the parties (i) noted that they had made substantial progress at the mediation  
5 and (ii) requested that the Court allow them additional time to conclude and document their efforts to  
6 achieve a non-litigated resolution of this matter by rescheduling the Case Management Conference  
7 (“CMC”) (Dkt. No. 165);

8           WHEREAS, on September 20, 2013, the Court entered an order rescheduling the CMC from  
9 September 26, 2013 at 10:30 a.m. to October 31, 2013 at 10:30 a.m., with the Joint CMC Statement  
10 due one week prior to the CMC (Dkt. No. 166);

11           WHEREAS, the parties are currently circulating draft proposed settlement papers and  
12 continue to work diligently to finalize those papers;

13           WHEREAS, in order to avoid the unnecessary expenditure of the Court’s resources or effort  
14 by the parties to this action, the parties have agreed, subject to the Court’s approval, to reschedule  
15 the CMC from October 31, 2013 at 10:30 a.m. to December 5, 2013 at 10:30 a.m. or another date  
16 thereafter that is convenient to the Court;

17           WHEREAS, the parties have agreed, subject to the Court’s approval, that the Joint CMC  
18 Statement shall be due one week prior to the date of the CMC;

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

21           1.       Subject to the Court’s approval, the CMC, currently set for October 31, 2013 at 10:30  
22 a.m., shall be rescheduled for December 5, 2013 at 10:30 a.m., or another date thereafter that is  
23 convenient for the Court.

24  
25  
26  
27  
28

1           2.       The Joint CMC Statement shall be due one week prior to the date of the CMC.

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: October 28, 2013

ALSTON & BIRD LLP  
GIDON M. CAINE

\_\_\_\_\_  
s/ Gidon M. Caine  
GIDON M. CAINE

275 Middlefield Road, Suite 150  
Menlo Park, CA 94025-4008  
Telephone: 650/838-2000  
650/838-2001 (fax)  
gidon.caine@alston.com

ALSTON & BIRD LLP  
JESSICA P. CORLEY (admitted *pro hac vice*)  
ANDREW T. SUMNER (admitted *pro hac vice*)  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Telephone: 404/881-7000  
404/881-7777 (fax)  
jessica.corley@alston.com  
andy.sumner@alston.com

Counsel for Defendants

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS  
SUNNY S. SARKIS

\_\_\_\_\_  
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

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

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 810  
Denver, CO 80203  
Telephone: 303/861-1764  
303/395-0393 (fax)

Additional Counsel for Plaintiff

**Certificate Pursuant to Local Rule 5-1(i)(3)**

I, Gidon M. Caine, am the ECF User whose identification and password are being used to file the STIPULATION AND [PROPOSED] ORDER RESCHEDULING CASE MANAGEMENT CONFERENCE. In compliance with Local Rule 5-1(i)(3), I hereby attest that Shawn A. Williams has concurred in this filing.

Dated: October 28, 2013


\_\_\_\_\_  
/s Gidon M. Caine  
GIDON M. CAINE

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 28, 2013

  
\_\_\_\_\_  
THE HONORABLE EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE