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15 [Additional Counsel Appear on Signature Page]

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 ROBERT A. SCANDLON, JR., On behalf of)
 19 Himself and All Others Similarly Situated,)
 20)
 21 Plaintiff,)
 22 v.)
 23 BLUE COAT SYSTEMS, INC., BRIAN M.)
 24 NESMITH and GORDON C. BROOKS,)
 25 Defendants.)
 26)
 27)
 28)

No. 3:11-cv-04293-RS

**STIPULATION AND [PROPOSED]
 ORDER CHANGING SCHEDULED
 DATES FOR MOTION TO DISMISS
 HEARING AND CASE
 MANAGEMENT CONFERENCE**
CLASS ACTION

1 opposition on June 15, 2012 (Dkt. 49); and, Defendants' filed their reply on July 18, 2012 (Dkt.
2 54);

3 WHEREAS, the hearing on the Motion To Dismiss is scheduled for September 13, 2012
4 at 1:30 p.m.;

5 WHEREAS, on August 8, 2012, the Clerk of the Court entered a Clerk's Notice
6 continuing the scheduled Case Management Conference from September 6, 2012 to September
7 27, 2012 (Dkt. 57);

8 WHEREAS, counsel for Lead Plaintiff has a scheduling conflict on September 13, 2012
9 and has requested that the parties agree to move the hearing date;

10 WHEREAS, the next soonest date counsel for Lead Plaintiff is available is October 4,
11 2012, and Defendants do not object to moving the hearing date to October 4, 2012, subject to
12 Court approval;

13 WHEREAS, the parties further agree that it will serve the interests of justice and judicial
14 economy to continue the scheduled Case Management Conference, currently set for
15 September 27, 2012, until after the Court has ruled on the Motion To Dismiss;

16 WHEREAS, other than the Case Management Conference, no other events or deadlines
17 are scheduled and pending in the case;

18 **STIPULATION**

19 Therefore, IT IS HEREBY STIPULATED AND AGREED, by Lead Plaintiff and
20 Defendants, through their respective counsel of record, as follows:

- 21 1. The parties hereby request that the hearing on the Motion To Dismiss scheduled
22 for September 13, 2012 at 1:30 p.m. be taken off calendar and rescheduled for
23 October 4, 2012 at 1:30 p.m.
- 24 2. The parties hereby request that the Case Management Conference scheduled for
25 September 27, 2012 at 10:00 a.m. be taken off calendar pending further order of
26 the Court.

1 DATED: August 29, 2012

Respectfully submitted,

2 **BERMAN DEVALERIO**

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4 By: /s/ Anthony D. Phillips
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By: /s/ Katherine L. Henderson
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*Attorneys for Defendants Blue Coat Systems, Inc.,
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E-Filing Attestation

I, Anthony D. Phillips, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45 X.B., I hereby attest that Katherine L. Henderson has concurred in this filing.

/s/ Anthony D. Phillips
Anthony D. Phillips

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PROPOSED ORDER

IT IS HEREBY ORDERED that:

1. The clerk shall remove the Motion Hearing scheduled for September 13, 2012 at 1:30 p.m. from the Court's calendar.
2. The clerk shall schedule a new Motion Hearing for the Motion To Dismiss for October 4, 2012 at 1:30 p.m.;
3. The clerk shall remove the Case Management Conference scheduled for September 27, 2012 at 10:00 a.m. from the Court's calendar.
4. The clerk will schedule a new Case Management Conference after the Court has ruled on Defendants' Motion To Dismiss.

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 8/29/12



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE