Scandlon v. Blue Coat Systems, Inc. et al

Doc. 61

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Lead Plaintiff the Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters ("Lead Plaintiff" or "Inter-Local Pension Fund") and defendants Blue Coat Systems, Inc., Brian M. NeSmith and Gordon C. Brooks ("Defendants"), by and through their respective counsel hereby recite and stipulate, subject to Court approval, to change the scheduled dates for hearing oral argument on Defendants' Motion To Dismiss Plaintiff's Amended Complaint and for the currently scheduled Case Management Conference. The parties respectfully submit this Stipulation And Proposed Order and the accompanying Declaration Of Andrew D. Abramowitz In Support Of Stipulation And [Proposed] Order Changing Scheduled Dates For Motion To Dismiss Hearing And Case Management Conference ("Abramowitz Declaration"), in accordance with Local Civil Rules 6-2 and 7-12.

RECITALS

WHEREAS plaintiff Robert Scandlon filed a securities class action complaint ("Initial Complaint") on August 30, 2011 (Docket Number ("Dkt.") 1) alleging that Defendants violated federal securities laws;

WHEREAS the Initial Complaint alleged claims arising under the Private Securities Litigation Reform Act of 1995 ("PSLRA");

WHEREAS, on December 12, 2011, the Court granted the Inter-Local Pension Fund's motion appointing it Lead Plaintiff and appointing Spector Roseman Kodroff & Willis, P.C. as lead counsel and Berman DeValerio as liaison counsel (Dkt. 41);

WHEREAS, on December 22, 2011, the parties filed and the Court entered a Stipulation And Order (1) Setting Date For Filing Of Amended Class Action Complaint (2) Establishing Briefing Schedule For Responsive Motion(s) And (3) Continuing Case Management Conference (the "Scheduling Order") (Dkt. 43);

WHEREAS, in accordance with the Scheduling Order, Lead Plaintiff filed its First Amended Complaint For Violations Of Federal Securities Laws ("Amended Complaint") on February 21, 2012 (Dkt. 44); Defendants' filed their Motion To Dismiss Plaintiff's Amended Complaint ("Motion To Dismiss") on April 17, 2012 (Dkt. 46); Lead Plaintiff filed its

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

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

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

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

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

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

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

STIPULATION

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

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

1	DATED: August 29, 2012	Respectfully submitted,
2		BERMAN DEVALERIO
3		
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11		the Class
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23		Attorneys for Lead Plaintiff
24		Inter-Local Pension Fund and Proposed Lead Counsel for the Class
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1	WILSON SONSINI GOODRICH & ROSATI
2	
3	By: /s/ Katherine L. Henderson
4	Katherine L. Henderson
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11	Attorneys for Defendants Blue Coat Systems, Inc.,
12	Brian M. NeSmith and Gordon C. Brooks
13	E-Filing Attestation
14	I, Anthony D. Phillips, am the ECF User whose ID and password are being used to file
15	this document. In compliance with General Order 45 X.B., I hereby attest that Katherine L.
16	Henderson has concurred in this filing.
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17 18	/s/ Anthony D. Phillips Anthony D. Phillips
	/s/ Anthony D. Phillips Anthony D. Phillips
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1		[PROPOSED] ORDER
2	IT IS HERI	EBY ORDERED that:
3	1.	The clerk shall remove the Motion Hearing scheduled for September 13, 2012 a
4		1:30 p.m. from the Court's calendar.
5	2.	The clerk shall schedule a new Motion Hearing for the Motion To Dismiss fo
6		October 4, 2012 at 1:30 p.m.;
7	3.	The clerk shall remove the Case Management Conference scheduled fo
8		September 27, 2012 at 10:00 a.m. from the Court's calendar.
9	4.	The clerk will schedule a new Case Management Conference after the Court ha
10		ruled on Defendants' Motion To Dismiss.
11	PURSUANT TO STIPULATION, IT IS SO ORDERED	
12		\sim 1101
13	DATED: _8	
14		RICHARD SEEBORG UNITED STATES DISTRICT JUDGE
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