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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 SCOTT OZAKI, Derivatively on Behalf of)
 ORACLE CORPORATION,)

12 Plaintiff,)

13 v.)

14 LAWRENCE J. ELLISON, SAFRA A. CATZ,)
 JEFFREY O. HENLEY, MICHAEL J. BOSKIN,)
 15 H. RAYMOND BINGHAM, DONALD L.)
 LUCAS, JEFFREY S. BERG, BRUCE R.)
 16 CHIZEN, HECTOR GARCIA-MOLINA, NAOMI)
 O. SELIGMAN, and GEORGE H. CONRADES,)

17 Defendants,)

18 -and-)

19 ORACLE CORPORATION, a Delaware)
 corporation,)

20 Nominal Defendant.)

Case No. C 11-04493-RS

) STIPULATION AND [~~PROPOSED~~]
 ORDER TO STAY ACTION, SET
 DEADLINE FOR PLAINTIFF TO
 DESIGNATE OR FILE OPERATIVE
 COMPLAINT, AND SET BRIEFING
 SCHEDULE ON RESPONSIVE
 MOTIONS

28 STIPULATION AND [~~PROPOSED~~] ORDER TO STAY ACTION, SET DEADLINE FOR PLAINTIFF TO
 DESIGNATE OR FILE OPERATIVE COMPLAINT, AND SET BRIEFING SCHEDULE ON RESPONSIVE
 MOTIONS; Case No. C 11-04493-RS

1 WHEREAS, on September 8, 2011, Plaintiff Scott Ozaki ("Plaintiff") commenced the
2 above-captioned derivative action in the United States District Court for the Northern District of
3 California by filing a complaint derivatively on behalf of the Oracle Corporation ("Oracle" or the
4 "Company") against certain of its current and former officers and directors (collectively with
5 nominal defendant Oracle, "Defendants") alleging breaches of fiduciary duties, waste of
6 corporate assets, and unjust enrichment (the "Demand Refused Action");

7 WHEREAS, all Defendants in the Demand Refused Action have been served with the
8 summons and complaint. The deadline for the personally-served defendants to respond to the
9 complaint in the Demand Refused Action is October 03, 2011, the deadline for Oracle to respond
10 is October 4, 2011, and the deadline for the defendants who waived service through counsel to
11 respond is November 14, 2011;

12 WHEREAS, a related consolidated derivative action styled *In re Oracle Corporation*
13 *Derivative Litigation*, Master File No. C-10-03392-RS, arising out of similar events and
14 involving some of the same defendants, is currently pending before this Court (the "Demand
15 Futility Action");

16 WHEREAS, on September 21, 2011, this Court issued an order relating, but not
17 consolidating, the Demand Refused and Demand Futility Actions (the "Order");

18 WHEREAS, pursuant to the Order, the Demand Refused Action was reassigned to this
19 Court, and the Court scheduled an initial case management conference in the Demand Refused
20 Action for December 8, 2011;

21 WHEREAS, given the unique circumstances of this case, the parties have been discussing
22 the benefits of conducting further discussions regarding the claims alleged and defenses thereto,
23 and, in the interest of efficiency and economy, the parties request a temporary stay of this action.
24 The parties will continue to be mindful to use their best efforts to coordinate any activity in the
25 Demand Futility Action with this Demand Refused Action, to the extent appropriate;

26 IT IS HEREBY STIPULATED AND AGREED, between Plaintiff and Defendants, by
27 and through their undersigned counsel, subject to the Court's approval:

1 I, Kevin A. Seely, am the ECF user whose ID and password are being used to file this
2 STIPULATION AND [PROPOSED] ORDER TO STAY ACTION, SET DEADLINE FOR
3 PLAINTIFF TO DESIGNATE OR FILE OPERATIVE COMPLAINT, AND SET BRIEFING
SCHEDULE ON RESPONSIVE MOTIONS. In compliance with General Order 45, X.B., I
hereby attest that Philip T. Besirof has concurred in this filing.

4 Dated: October 4, 2011

MORRISON & FOERSTER LLP
PHILIP T. BESIROF

s/Philip T. Besirof
PHILIP T. BESIROF

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Hector Garcia-Molina, Naomi O. Seligman,
George H. Conrades, and Oracle Corporation

*** ORDER ***

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 10/4/11

19 DATED


HONORABLE RICHARD SLEBORG
U.S. DISTRICT JUDGE

26 657312