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 12 M. Lea

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 In re DIAMOND FOODS, INC.,  
 14 DERIVATIVE LITIGATION

Case No. CV 11-05692 (WHA)

**NOTICE OF SUBSTITUTION OF COUNSEL  
 AND ~~PROPOSED~~ ORDER**

15 This Document Relates To:

Judge: The Honorable William H. Alsup

16 ALL ACTIONS

Date Action Filed: November 28, 2011

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that defendants John J. Gilbert and Robert M. Lea hereby substitute the law firm of Orrick Herrington & Sutcliffe LLP as their counsel of record in this action, in the place and instead of Fenwick & West LLP.

Pursuant to such substitution, Messrs. Gilbert and Lea hereby request that all notices, filings and other documents in this action be served on the following counsel:

James N. Kramer  
Steven A. Hong  
ORRICK HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, California 94105  
Telephone: (415) 773-5700  
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We hereby agree to the foregoing substitution.

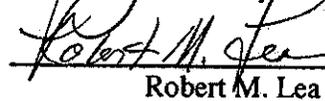
Dated: March 9, 2012

By:

  
John J. Gilbert

Dated: March 9, 2012

By:

  
Robert M. Lea

We hereby agree to the foregoing substitution.

Dated: March 2, 2012

FENWICK & WEST LLP

By:

/s/ Jennifer C. Bretan  
Jennifer C. Bretan

We hereby accept the foregoing substitution.

Dated: March 2, 2012

ORRICK HERRINGTON &  
SUTCLIFFE LLP

By:

/s/ James N. Kramer  
James N. Kramer

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**ORDER**

Pursuant to the foregoing, it is hereby **ORDERED** that the law firm of Orrick Herrington & Sutcliffe LLP is substituted as counsel of record in this action for defendants John J. Gilbert and Robert M. Lea, in place and instead of Fenwick & West LLP.

Dated: March 15, 2012.



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William Alsup  
UNITED STATES DISTRICT JUDGE