

1 Michael J. Shepard (Bar No. 91281)  
 HOGAN LOVELLS US LLP  
 2 4 Embarcadero Center, 22nd Floor  
 San Francisco, California 94111  
 3 Telephone: (415) 374-2301  
 Facsimile: (415) 374-2499  
 4 michael.shepard@hoganlovells.com

5 Norman J. Blears (Bar No. 95600)  
 Maren J. Clouse (Bar No. 228726)  
 6 HOGAN LOVELLS US LLP  
 525 University Avenue, 4th Floor  
 7 Palo Alto, California 94301  
 Telephone: (650) 463-4000  
 8 Facsimile: (650) 463-4199  
 norman.blears@hoganlovells.com  
 9 maren.clouse@hoganlovells.com

10 Attorneys for Defendant Steven M. Neil

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

14 DAVE LUCIA, derivatively on behalf of  
 15 DIAMOND FOODS, INC.,

16 Plaintiff,

17 vs.

18 LAURENCE M. BAER, EDWARD A.  
 BLECHSCHMIDT, JOHN J. GILBERT,  
 19 ROBERT M. LEA, MICHAEL J.  
 MENDES, JOSEPH P. SILVEIRA,  
 20 STEVEN M. NEIL, GLEN C. WARREN,  
 JR., RICHARD G. WOLFORD, and  
 21 ROBERT J. ZOLLARS,

22 Defendants,

23 - and -

24 DIAMOND FOODS, INC.,

25 Nominal Defendant.

Case No. 11-CV-06417 WHA

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

The Honorable William H. Alsup

Date Action Filed: December 19, 2011

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

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that defendant Steven M. Neil hereby substitutes the law firm of Hogan Lovells US LLP as his counsel of record in this action, in the place and instead of Fenwick & West LLP.

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

Michael J. Shepard (Bar No. 91281)  
HOGAN LOVELLS US LLP  
4 Embarcadero Center, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 374-2301  
Facsimile: (415) 374-2499  
michael.shepard@hoganlovells.com

Norman J. Blears (Bar No. 95600)  
Maren J. Clouse (Bar No. 228726)  
525 University Avenue, 4th Floor  
Palo Alto, California 94301  
Telephone: (650) 463-4000  
Facsimile: (650) 463-4199  
norman.blears@hoganlovells.com  
maren.clouse@hoganlovells.com

I hereby agree to the foregoing substitution.

Dated: February 14, 2012 By:           /s/ Steven M. Neil            
Steven M. Neil

We hereby agree to the foregoing substitution.

Dated: February 14, 2012 FENWICK & WEST LLP  
By:           /s/ Jennifer C. Bretan            
Jennifer C. Bretan

We hereby accept the foregoing substitution.

Dated: February 14, 2012 HOGAN LOVELLS US LLP  
By:           /s/ Michael J. Shepard            
Michael J. Shepard

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

**ORDER**

Pursuant to the foregoing, it is hereby **ORDERED** that the law firm of Hogan Lovells US LLP is substituted as counsel of record in this action for defendant Steven M. Neil, in place and instead of Fenwick & West LLP.

Dated: February 16, 2012.



---

William Alsup  
UNITED STATES DISTRICT JUDGE

**ATTESTATION**

Pursuant to General Order No. 45, Section X (B), I, Michael J. Shepard, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: February 14, 2012

/s/ Michael J. Shepard  
Michael J. Shepard