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12 Attorneys for Defendant  
 13 *Michael J. Mendes*

14 UNITED STATES DISTRICT COURT  
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 16 NORTHERN DISTRICT OF CALIFORNIA  
 17  
 18 SAN FRANCISCO DIVISION

19 BOARD OF TRUSTEES OF CITY OF )  
 20 HIALEAH EMPLOYEES' RETIREMENT )  
 21 SYSTEM, derivatively on behalf of )  
 22 Diamond Foods, Inc., )

23 Plaintiff, )

24 v. )

25 MICHAEL J. MENDES, STEVEN M. )  
 26 NEIL, LAURENCE M. BAER, EDWARD )  
 27 A. BLECHSCHMIDT, JOHN J. GILBERT, )  
 28 ROBERT M. LEA, GLEN C. WARREN, )  
 29 JR., RICHARD G. WOLFORD and )  
 30 ROBERT J. ZOLLARS, )

31 Defendants, )

32 And )

33 DIAMOND FOODS, INC., )

34 Nominal Defendant. )

Case No. 11 CV 05692 (WHA)

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

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

Case No. 11 CV 06417 (WHA)

Plaintiff,

v.

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

Defendants,

And

DIAMOND FOODS, INC.,

Nominal Defendant.

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that defendant Michael J. Mendes hereby substitutes the  
3 law firm of Sidley Austin LLP as his counsel of record in this action, in the place and instead  
4 of Fenwick & West LLP.

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

7 Sara B. Brody  
8 Robert B. Martin, III  
9 Naomi A. Igra  
10 SIDLEY AUSTIN LLP  
11 555 California Street, Suite 2000  
12 San Francisco, California 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

13 I hereby agree to the foregoing substitution.

14 Dated: February 14, 2012

By:           /s/ Michael J. Mendes            
MICHAEL J. MENDES

17 We hereby agree to the foregoing substitution.

18 Dated: February 14, 2012

FENWICK & WEST LLP

20 By:           /s/ Jennifer C. Bretan            
21 JENNIFER C. BRETAN

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We hereby accept the foregoing substitution.

Dated: February 14, 2012

SIDLEY AUSTIN LLP

By:           /s/ Sara B. Brody            
SARA B. BRODY  
ROBERT B. MARTIN, III  
NAOMI A. IGRA

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**ORDER**

Pursuant to the foregoing, it is hereby **ORDERED** that the law firm of Sidley Austin LLP is substituted as counsel of record in this action for defendant Michael J. Mendes, in place and instead of Fenwick & West LLP.



Dated: February 16, 2012.

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William Alsup  
UNITED STATES DISTRICT JUDGE