

1 KEITH E. EGGLETON, State Bar No. 159842
 Email: keggleton@wsgr.com
 2 KELLEY M. KINNEY, State Bar No. 216823
 Email: kkinney@wsgr.com
 3 CRYSTAL M. GAUDETTE, State Bar No. 247712
 Email: cgaudette@wsgr.com
 4 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 5 650 Page Mill Road
 Palo Alto, CA 94304-1050
 6 Telephone: (650) 493-9300
 Facsimile: (650) 565-5100
 7

8 Attorneys for Defendants
 Polycom, Inc., Eric Brown, and Sayed Darwish
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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
 13

14 SEAN AVERY NEAL, Individually and On)
 Behalf of All Others Similarly Situated,)
 15 Plaintiff,)
 16 v.)
 17 POLYCOM, INC., ANDREW M. MILLER,)
 18 ERIC F. BROWN, AND SAYED DARWISH,)
 19 Defendants.)
 20)
 21)
 22)
 23)
 24)

CASE NO.: 3:13-cv-03476-SC

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

1 WHEREAS, plaintiff Sean Avery Neal (“Plaintiff”) filed a purported Class Action
2 Complaint for Violations of the Federal Securities Laws (the “Complaint”) against defendants
3 Polycom, Inc. (“Polycom”), Andrew M. Miller, Eric F. Brown, and Sayed Darwish (collectively,
4 “Defendants”) in the above-entitled matter on July 26, 2013;

5 WHEREAS, the Complaint sets forth claims under the federal securities laws that are
6 subject to the procedural requirements of the Private Securities Litigation Reform Act of 1995
7 (“PSLRA”), including those set forth in 15 U.S.C. § 78u-4;

8 WHEREAS, on October 1, 2013, Mark Nathanson moved under the PSLRA for
9 appointment as lead plaintiff and for approval of his selection of lead counsel (ECF No. 22, the
10 “Lead Plaintiff Motion”), and the Lead Plaintiff Motion is currently pending before this Court;

11 WHEREAS, in connection with the parties’ stipulation, the Court previously ordered that
12 within 14 days of the Court’s appointment of a lead plaintiff and approval of lead counsel,
13 counsel for the lead plaintiff and counsel for Defendants shall (a) meet and confer regarding a
14 mutually agreeable schedule and dates by which the lead plaintiff will file an amended or
15 consolidated complaint (or designate a complaint as the operative complaint) and a briefing
16 schedule on Defendants’ anticipated motion(s) to dismiss; and (b) file a stipulated briefing
17 schedule with the Court for approval (ECF No. 18);

18 WHEREAS, an Initial Case Management Conference is currently scheduled in this action
19 for December 20, 2013 at 10:00 a.m. and the parties must submit a Case Management Statement
20 by December 13, 2013 (ECF No. 19);

21 WHEREAS, the Court previously set the date for the Initial Case Management
22 Conference in this action to be the same date as the Initial Case Management Conference
23 scheduled in the related consolidated derivative action pending before this Court, captioned *In re*
24 *Polycom Derivative Litigation*, Lead Case No.: 3:13-cv-3880-SC (the “Consolidated Derivative
25 Action”);

26 WHEREAS, the parties in the Consolidated Derivative Action have agreed, subject to
27 Court approval, to continue the Case Management Conference in that action until after
28 Defendants respond to the operative complaint, and have submitted a stipulation, briefing

1 schedule, and proposed date for the Initial Case Management Conference of April 18, 2014 at
2 10:00 a.m., or at such other date and time as the Court shall order;

3 WHEREAS, to avoid the unnecessary expenditure of judicial resources or effort by the
4 parties and the Court, and to ensure Defendants may rely on representations of a lead plaintiff's
5 counsel in connection with submitting a joint case management statement, Plaintiff and
6 Defendants have agreed, subject to the Court's approval, to continue the Case Management
7 Conference until after the Court has considered the pending Lead Plaintiff Motion, an operative
8 complaint has been designated or filed, and the parties have submitted a stipulated briefing
9 schedule with the Court for approval;

10 NOW, THEREFORE, it is hereby stipulated and agreed by the undersigned counsel for
11 Plaintiff and counsel for Defendants as follows:

12 1. The Case Management Conference shall be continued from December 20, 2013 at
13 10:00 a.m. to April 18, 2014 at 10:00 a.m., or to such other date and time as the Court shall
14 order.

15 Dated: December 9, 2013

Respectfully submitted,

16 WILSON SONSINI GOODRICH & ROSATI
17 Professional Corporation

18 By: /s/ Keith E. Eggleton
19 Keith E. Eggleton
keggleton@wsgr.com

20 Attorneys for Defendants
21 Polycom, Inc., Eric Brown, and Sayed Darwish

22 Dated: December 9, 2013

By: /s/ Paul T. Friedman
23 Paul T. Friedman
PFriedman@mof.com

24 MORRISON FOERSTER
25 PAUL T. FRIEDMAN
26 PHILIP T. BESIROF
27 425 Market Street
San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

28 Attorneys for Defendant Andrew M. Miller

1 Dated: December 9, 2013

By: /s/ Michael Goldberg
Michael Goldberg
info@glancylaw.com

2
3
4 GLANCY BINKOW & GOLDBERG LLP
LIONEL Z. GLANCY
MICHAEL GOLDBERG
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 201-9150
Facsimile: (310) 201-9160
Email: info@glancylaw.com

8 POMERANTZ GROSSMAN HUFFORD
9 DAHLSTROM & GROSS LLP
JEREMY A. LIEBERMAN
LESLEY F. PORTNOY
10 600 Third Avenue, 20th Floor
New York, New York 10016
Telephone: (212) 661-1100
Facsimile: (212) 661-8665

13 POMERANTZ GROSSMAN HUFFORD
14 DAHLSTROM & GROSS LLP
PATRICK V. DAHLSTROM
10 South LaSalle Street, Suite 3505
Chicago, IL 60603
Telephone: (312) 377-1181
Facsimile: (312) 377-1184

17 Attorneys for Plaintiff Sean Avery Neal and
18 Movant for Lead Plaintiff Mark Nathanson

19 *I, Keith E. Eggleton, am the ECF user whose ID and password are being used to file this*
20 *Stipulation. In compliance with Civil Local Rule 5-1, I hereby attest that Paul T. Friedman and*
21 *Michael Goldberg have concurred in this filing.*

22 **~~PROPOSED~~ ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25
26 Dated: December 10, 2013

