

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

)	Case No. C 13-3476 SC
)	
SEAN AVERY NEAL, individually)	ORDER GRANTING MOTION TO
and on behalf of all others)	APPOINT LEAD PLAINTIFF AND LEAD
similarly situated,)	<u>COUNSEL</u>
)	
Plaintiff,)	
)	
v.)	
)	
POLYCOM, INC., et al.,)	
)	
Defendants.)	
)	
)	
)	

Now before the Court is Plaintiff Mark Nathanson's motion for appointment as lead plaintiff and for approval of Pomerantz Grossman Hufford Dahlstrom & Gross LLP ("Pomerantz") as Lead Counsel and Glancy Binkow & Goldberg LLP ("Glancy") as Liason Counsel. ECF No. 22 ("Mot.").

Defendants Polycom Inc. ("Polycom"), Eric Brown, Sayed Darwish, and Andrew Miller (collectively "Defendants") responded to the motion by taking no position on Mr. Nathanson's, Pomerantz's, or Glancy's respective appointments. ECF No. 24 ("Resp.") at 1. However, Defendants stated that they reserve all rights to

1 challenge class certification at a later point. Id.

2 Mr. Nathanson accordingly filed a statement of non-opposition,
3 also noting that no other lead plaintiff has moved for appointment
4 as lead plaintiff or approval of counsel. ECF No. 25.

5 Based on Mr. Nathanson's brief and related papers, the Court
6 GRANTS the motion under Section 21D(a)(3)(B) of the Securities
7 Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the
8 Private Securities Litigation Reform Act of 1995 (the "PSLRA").

9 Mr. Nathanson is appointed Lead Plaintiff on behalf of all
10 persons who purchased or otherwise acquired securities of Polycom
11 between July 24, 2012 and July 23, 2013. Pomerantz is approved as
12 Lead Counsel and Glancy is approved as Liason Counsel.

13 Plaintiffs' Lead Counsel shall have the following
14 responsibilities and duties, to be carried out either personally or
15 through counsel whom Lead Counsel shall designate:

- 16 a. to coordinate the briefing and argument of motions;
- 17 b. to coordinate the conduct of discovery proceedings;
- 18 c. to coordinate the examination of witnesses in
19 depositions;
- 20 d. to coordinate the selection of counsel to act as a
21 spokesperson at pretrial conferences;
- 22 e. to call meetings of the plaintiff's counsel as they deem
23 necessary and appropriate from time to time;
- 24 f. to coordinate all settlements negotiations with counsel
25 for defendants;
- 26 g. to coordinate and direct the pretrial discovery
27 proceedings and the preparation for trial and the trial
28 of this matter and to delegate work responsibilities to

1 selected counsel as may be required; and
2 h. to supervise any other matters concerning the
3 prosecution, resolution or settlement of the Consolidated
4 Action.

5 No motion, request for discovery, or other pretrial
6 proceedings shall be initiated or filed by any plaintiff without
7 the approval of Lead Counsel, so as to prevent duplicative
8 pleadings or discovery by plaintiffs. No settlement negotiations
9 shall be conducted without the approval of Lead Counsel.

10 Counsel in any related action that is consolidated with this
11 action shall be bound by this organization of plaintiffs' counsel.

12 Lead Counsel shall have the responsibility of receiving and
13 disseminating Court orders and notices.

14 Lead Counsel shall be the contact between plaintiffs' counsel
15 and defendants' counsel, as well as the spokesperson for
16 plaintiffs' counsel, and shall direct and coordinate the activities
17 of plaintiffs' counsel.

18 Defendants shall effect service of papers on plaintiffs by
19 serving a copy of same on Lead Counsel by overnight mail service,
20 electronic or hand delivery. Plaintiffs shall effect service of
21 papers on defendants by serving a copy of same on defendants'
22 counsel by overnight mail service, electronic or hand delivery.

23 During the pendency of this litigation, or until further order
24 of this Court, the parties shall take reasonable steps to preserve
25 all documents within their possession, custody, or control,
26 including computer-generated and stored information, and materials
27 such as computerized data and electronic mail, containing
28 information which is relevant or which may lead to the discovery of

1 information relevant to the subject matter of the pending
2 litigation.

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IT IS SO ORDERED.

Dated: December 13, 2013



UNITED STATES DISTRICT JUDGE