

1 KEITH E. EGGLETON, State Bar No. 159842  
 Email: keggleton@wsgr.com  
 2 RODNEY G. STRICKLAND, State Bar No. 161934  
 Email: rstrickland@wsgr.com  
 3 KELLEY M. KINNEY, State Bar No. 216823  
 Email: kkinney@wsgr.com  
 4 CHERYL W. FOUNG, State Bar No. 108868  
 Email: cfoung@wsgr.com  
 5 LUKE A. LISS, State Bar No. 247520  
 Email: lliss@wsgr.com  
 6 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 7 650 Page Mill Road  
 Palo Alto, CA 94304-1050  
 8 Telephone: (650) 493-9300  
 Facsimile: (650) 565-5100  
 9

10 Attorneys for Defendants  
 Polycom, Inc., Michael R. Kourey,  
 11 and Eric F. Brown

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

16 MARK NATHANSON, Individually and On )  
 Behalf of All Others Similarly Situated, )  
 17 Plaintiff, )  
 18 v. )  
 19 POLYCOM, INC., ANDREW M. MILLER, )  
 20 MICHAEL R. KOUREY, and ERIC F. BROWN, )  
 21 Defendants. )  
 22 )  
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CASE NO.: 3:13-cv-03476-SC  
CLASS ACTION  
**STIPULATION AND ~~PROPOSED~~**  
**ORDER CONTINUING CASE**  
**MANAGEMENT CONFERENCE**

1 Pursuant to N.D. Cal. Civil Local Rules 6-2 and 7-12, the parties respectfully submit the  
2 following Stipulation and [Proposed] Order Continuing the Initial Case Management Conference  
3 currently set for January 16, 2015, at 10:00 a.m.

4 **WHEREAS**, plaintiff Sean Avery Neal filed an initial purported Class Action Complaint  
5 for Violation of the Federal Securities Laws in the above-entitled matter on July 26, 2013, setting  
6 forth claims under the federal securities laws that are subject to the procedural requirements of  
7 the Private Securities Litigation Reform Act of 1995 (“PSLRA”) (ECF No. 1);

8 **WHEREAS**, the Court set an Initial Case Management Conference for October 25, 2013  
9 and, on September 24, 2013, continued the Initial Case Management Conference to December  
10 20, 2013 (ECF Nos. 2, 18-19);

11 **WHEREAS**, on December 10, 2013, the Court further continued the Initial Case  
12 Management Conference to April 18, 2014 (ECF No. 39);

13 **WHEREAS**, on December 13, 2013, the Court appointed Mark Nathanson as lead  
14 plaintiff (“Lead Plaintiff”), approved Pomerantz Grossman Hufford Dahlstrom & Gross LLP as  
15 Lead Counsel, and approved Glancy Binkow & Goldberg LLP as Liaison Counsel (ECF No. 42);

16 **WHEREAS**, on January 2, 2014, the Court entered a scheduling order requiring Lead  
17 Plaintiff to file an amended consolidated class action complaint by no later than February 24,  
18 2014 (ECF No. 46) (the “Scheduling Order”), and thereafter Lead Plaintiff timely filed the First  
19 Amended Complaint for Violation of the Federal Securities Laws (the “Amended Complaint”)  
20 naming Polycom, Inc., Andrew Miller, Michael Kourey, and Eric Brown as defendants  
21 (“Defendants”) (ECF No. 47);

22 **WHEREAS**, on April 7, 2014, the Court further continued the Initial Case Management  
23 Conference to December 5, 2014 (ECF No. 50);

24 **WHEREAS**, pursuant to the Scheduling Order: (1) Defendants filed motions to dismiss  
25 the Amended Complaint on April 25, 2014 (ECF Nos. 51, 53) (the “Motions to Dismiss”), with a  
26 hearing set for October 24, 2014; (2) Lead Plaintiff filed its omnibus opposition to Defendants’  
27 Motions to Dismiss on June 24, 2014 (ECF No. 58); and (3) Defendants filed reply briefs in  
28 support of their Motions to Dismiss on July 24, 2014 (ECF Nos. 59, 60);

1           **WHEREAS**, on October 20, 2014, the Court issued notice that it would decide  
2 Defendants' Motions to Dismiss on the papers, and vacated the hearing previously set for  
3 October 24, 2014 (ECF No. 63);

4           **WHEREAS**, on November 24, 2014, the Court further continued the Initial Case  
5 Management Conference to January 16, 2015 (ECF No. 65);

6           **WHEREAS**, discovery in this action is stayed pending resolution of Defendants'  
7 Motions to Dismiss pursuant to the PSLRA, 15 U.S.C. § 78u-4(b)(3);

8           **WHEREAS**, subject to the Court's approval, the parties respectfully request that the Court  
9 continue the Initial Case Management Conference currently set for January 16, 2015, while the  
10 Court considers Defendants' pending Motions to Dismiss, to be reset to a date and time after the  
11 Court issues its order on Defendants' pending Motions to Dismiss.

12           **NOW, THEREFORE**, subject to the Court's approval, the parties hereby stipulate and  
13 agree as follows:

- 14           (1)     The Initial Case Management Conference currently set for January 16, 2015, at  
15                    10:00 a.m., is hereby vacated, and the Initial Case Management Conference shall be  
16                    set to such date and time as the Court may order after the Court issues its order on  
17                    Defendants' pending Motions to Dismiss.

18           **IT IS SO STIPULATED.**

19 Dated: January 2, 2015

Respectfully submitted,

20 WILSON SONSINI GOODRICH & ROSATI  
21 Professional Corporation

22 By:           /s/ Keith E. Eggleton            
23           Keith E. Eggleton  
24           keggleton@wsgr.com

25 Attorneys for Defendants  
26 Polycom, Inc., Eric Brown, and Michael  
27 Kourey  
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Dated: January 2, 2015

By:           /s/ Philip T. Besirof            
Philip T. Besirof  
pbsirof@mofocom

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

Attorneys for Defendant Andrew M. Miller

Dated: January 2, 2015

By:           /s/ Jeremy A. Lieberman            
Jeremy A. Lieberman  
jalieberman@pomlaw.com

POMERANTZ GROSSMAN HUFFORD  
DAHLSTROM & GROSS LLP  
JEREMY A. LIEBERMAN  
EMMA GILMORE  
600 Third Avenue, 20th Floor  
New York, New York 10016  
Telephone: (212) 661-1100  
Facsimile: (212) 661-8665

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

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

Attorneys for Lead Plaintiff Mark Nathanson

*I, Keith E. Eggleton, am the ECF user whose ID and password are being used to file this Stipulation. In compliance with Civil Local Rule 5-1, I hereby attest that Philip T. Besirof and Jeremy A. Lieberman have concurred in this filing.*

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**DECLARATION OF KEITH E. EGGLETON**

I, Keith E. Eggleton, declare:

1. I am a member of Wilson Sonsini Goodrich & Rosati, P.C., counsel for defendants Polycom, Inc., Michael R. Kourey, and Eric F. Brown. I make this declaration in support of the parties' Stipulation and [Proposed] Order Continuing Case Management Conference. The parties seek to continue the Initial Case Management Conference until after the Court has ruled on Defendants' pending Motions to Dismiss. The parties agree that a continuance is reasonable and appropriate.

2. This is the parties' fifth request for extension of time with respect to the Initial Case Management Conference since this action was filed in July 2013. The parties' previous stipulated requests to continue the Initial Case Management Conference were filed on September 23, 2013 (ECF No. 17), December 9, 2013 (ECF No. 36), April 4, 2014 (ECF No. 49), and November 21, 2014 (ECF No. 64). The Court granted these four previous requests (*see* ECF Nos. 18, 39, 50, 65).

3. The requested continuance will not impact any other deadlines or dates set by the Court.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 2, 2015 in Palo Alto, California.

By: /s/ Keith E. Eggleton  
Keith E. Eggleton

**~~[PROPOSED]~~ ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The case management conference is continued to Friday, 02/20/2015, at 10:00 a.m.

Dated: 01/05/2015

  
\_\_\_\_\_  
THE HONORABLE SAMUEL CONTI  
United States District Judge