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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION
 11

12 MARK NATHANSON, Individually and on
 Behalf of All Others Similarly Situated,
 13

14 Plaintiff,

15 v.

16 POLYCOM, INC., ANDREW M. MILLER,
 17 MICHAEL R. KOUREY, and ERIC F.
 BROWN,

18 Defendants.
 19
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Case No. 3:13-cv-03476-SC

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~]
 SCHEDULING ORDER**

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1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, plaintiff Mark Nathanson
2 (“Lead Plaintiff”) and defendants Polycorn, Inc., Michael R. Kourey, Eric F. Brown, and
3 Andrew M. Miller (“Defendants”) respectfully request that the Court adopt the parties’ stipulation
4 below as the order of the Court, which sets forth an amended schedule for response(s) to the
5 Second Amended Complaint for Violations of the Federal Securities Laws (ECF No. 79)
6 (the “Second Amended Complaint”).

7 **FACTUAL BACKGROUND TO THE PARTIES’ STIPULATION**

8 In support of this stipulation, the undersigned parties provide the following facts, which
9 are verified in the supporting Declaration of Philip T. Besirof:

10 1. On February 24, 2014, Lead Plaintiff filed the First Amended Complaint for
11 Violation of the Federal Securities Laws (the “First Amended Complaint”) (ECF No. 47);

12 2. On April 25, 2014, Defendants moved to dismiss the First Amended Complaint
13 (ECF Nos. 51, 53);

14 3. On April 3, 2015, the Court granted in part, and denied in part, Defendants’
15 motions to dismiss (ECF No. 72), providing Lead Plaintiff until May 4, 2015, to amend his
16 complaint;

17 4. On May 4, 2015, Lead Plaintiff filed the Second Amended Complaint;

18 5. On May 5, 2015, the Court entered a scheduling order pursuant to which
19 Defendants’ motions to dismiss the Second Amended Complaint are due by June 18, 2015; Lead
20 Plaintiff’s opposition briefs are due by August 3, 2015; and Defendants’ reply briefs are due by
21 August 31, 2015 (ECF No. 82) (“Scheduling Order”); and

22 6. On June 15, 2015, the parties agreed to notice their motions to dismiss for hearing
23 on Friday, October 23, 2015, at 10:00 a.m., or at such other time as the matters may be heard. In
24 light of this proposed hearing date, the parties believe that the interests of judicial economy and
25 efficiency will be well served by modifying the current briefing schedule and reallocating the
26 time to better coincide with the proposed hearing date.

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STIPULATION

In light of these facts, the undersigned parties jointly request that the Court modify the briefing schedule for Defendants’ motions to dismiss currently set forth in the Scheduling Order as follows:

A. Defendants shall file their motion(s) to dismiss the Second Amended Complaint no later than June 26, 2015;

B. Lead Plaintiff shall file his opposition brief(s) to Defendants’ motion(s) to dismiss no later than August 28, 2015;

C. Defendants shall file their reply brief(s) in support of their motion(s) to dismiss no later than October 2, 2015; and

D. Defendants shall notice their motions to dismiss for hearing on Friday, October 23, 2015, at 10:00 a.m., or at such other time as the matter may be heard.

IT IS SO STIPULATED.

Dated: June 17, 2015

MORRISON & FOERSTER LLP

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Philip T. Besirof

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Dated: June 17, 2015

WILSON SONSINI GOODRICH & ROSATI
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*Attorneys for Defendants Polycom, Inc.,
Michael R. Kourey, and Eric F. Brown*

Dated: June 17, 2015

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ECF ATTESTATION

I, Philip Besirof, am the ECF User whose ID and Password are being used to file this motion. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Rodney G. Strickland and Jeremy A. Lieberman have concurred in this filing.

Dated: June 17, 2015

MORRISON & FOERSTER LLP

By: /s/ Philip T. Besirof
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DECLARATION OF PHILIP T. BESIROF

I, PHILIP T. BESIROF, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California and am admitted to practice before this Court. I am a member of the law firm of Morrison & Foerster LLP, and counsel of record for defendant Andrew Miller. I submit this Declaration in support of the parties' Stipulation and [Proposed] Scheduling Order (hereafter, the "Stipulation"). If called as a witness, I would testify to the facts listed below.

2. Pursuant to Civil Local Rule 6-2, I attest that the facts set forth in the Stipulation, paragraphs 1 through 6 inclusive, are all true and accurate.

3. This is the parties' ninth request for a modification of time and the second with respect to the Second Amended Complaint. The parties previously filed stipulations to extend the time to respond to previously operative complaints on September 23, 2013 (ECF No. 17), and December 30, 2013 (ECF No. 45). Both of these stipulations were approved by the Court (*see* ECF Nos. 18, 46). Additionally, the parties filed six stipulated requests to continue the Initial Case Management Conference; these were filed on September 23, 2013 (ECF No. 17), December 9, 2013 (ECF No. 36), April 4, 2014 (ECF No. 49), November 21, 2014 (ECF No. 64), January 2, 2015 (ECF No. 66), and February 6, 2015 (ECF No. 69). The Court granted these six previous requests (*see* ECF Nos. 18, 39, 50, 65, 67, 68, 70). Finally, the parties filed one stipulation to extend the time to respond to the Second Amended Complaint on May 5, 2015 (ECF No. 80), which was granted on May 5, 2015 (ECF No. 82).

4. Other than the briefing scheduling for the motions to dismiss the Second Amended Complaint, the proposed schedule will not impact any other deadlines or dates set by the Court.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this Declaration was executed in San Francisco, California,
3 on this 17th day of June, 2015.

4 MORRISON & FOERSTER LLP

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6 By: /s/ Philip T. Besirof
Philip T. Besirof

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9 **[PROPOSED] ORDER**

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

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13 Dated: June 18, 2015


14 THE HONORABLE SAMUEL CONTI
United States District Judge