1 2 3 4 5 6 7 8	PAUL T. FRIEDMAN (CA SBN 98381) PFriedman@mofo.com PHILIP T. BESIROF (CA SBN 185053) PBesirof@mofo.com MORRISON & FOERSTER LLP 425 Market Street San Francisco, California 94105-2482 Telephone: 415.268.7000 Facsimile: 415.268.7522 Attorneys for Defendant ANDREW M. MILLER UNITED STATE	ES DISTRICT COURT
9	NORTHERN DISTRICT OF CALIFORNIA	
10	SAN FRANCISCO DIVISION	
11		
12	MARK NATHANSON, Individually and on Behalf of All Others Similarly Situated,	Case No. 3:13-cv-03476-SC
13	benan of An Others Similarly Situated,	CLASS ACTION
14	Plaintiff,	STIPULATION AND [ <del>PROPOSED</del> ] ORDER ENLARGING TIME FOR DEFENDANTS'
15	V.	REPLY BRIEFS
16 17	POLYCOM, INC., ANDREW M. MILLER, MICHAEL R. KOUREY, and ERIC F. BROWN,	
18	Defendants.	
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	STIPULATION AND [PROPOSED] SCHEDULING ORDER Case No. 3:13-cv-03476-SC	

1	Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, plaintiff Mark Nathanson
2	("Lead Plaintiff") and defendants Polycom, 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 extends the time for Defendants to file their reply briefs
5	from October 2 to October 9, 2015.
6	FACTUAL BACKGROUND TO THE PARTIES' STIPULATION
7	In support of this stipulation, the undersigned parties provide the following facts, which
8	are verified in the supporting Declaration of Philip T. Besirof:
9	1. On February 24, 2014, Lead Plaintiff filed the First Amended Complaint for
10	Violation of the Federal Securities Laws (the "First Amended Complaint") (ECF No. 47);
11	2. On April 25, 2014, Defendants moved to dismiss the First Amended Complaint
12	(ECF Nos. 51, 53);
13	3. On April 3, 2015, the Court granted in part, and denied in part, Defendants'
14	motions to dismiss (ECF No. 72), providing Lead Plaintiff until May 4, 2015, to amend his
15	complaint;
16	4. On May 4, 2015, Lead Plaintiff filed the Second Amended Complaint
17	(ECF No. 79);
18	5. On June 18, 2015, the Court entered a scheduling order pursuant to which
19	Defendants' motions to dismiss the Second Amended Complaint were due on June 26, 2015;
20	Lead Plaintiff's opposition brief was due on August 28, 2015; and Defendants' reply briefs are
21	due on October 2, 2015 (ECF No. 84) ("Scheduling Order");
22	6. On June 26, 2015, Defendants filed their motions to dismiss (ECF Nos. 85, 86);
23	7. On August 28, 2015, Plaintiff filed opposition (ECF No. 92);
24	8. Due to unexpected scheduling conflicts for Mr. Miller's counsel, the parties have
25	agreed to extend the due date for Defendants' reply briefs by one week to Friday,
26	October 9, 2015; and
27	9. Other than the briefing schedule for Defendants' reply briefs, the proposed
28	extension will not impact any other deadlines or dates set by the Court, including the hearing date
	STIPULATION AND [PROPOSED] SCHEDULING ORDER Case No. 3:13-cv-03476-SC 1

1	set for October 23, 2015.	
2	STIPULATION	
3	In light of these facts, the undersigned parties jointly request that the Court modify the	
4	briefing schedule for Defendants' motions to dismiss currently set forth in the Scheduling Order	
5	as follows: Defendants shall file their reply brief(s) in support of their motions to dismiss no later	
6	than October 9, 2015.	
7	IT IS SO STIPULATED.	
8	Dated: October 1, 2015 MORRISON & FOERSTER LLP	
9 10	By: <u>/s/ Philip T. Besirof</u> Philip T. Besirof	
11	Paul T. Friedman	
12	Philip T. Besirof 425 Market Street San Francisco, California 94105-2482	
13	Telephone: 415.268.7000 Facsimile: 415.268.7522	
14	Email: PFriedman@mofo.com Email: PBesirof@mofo.com	
15	Attorneys for Defendant Andrew Miller	
16	Dated: October 1, 2015 WILSON SONSINI GOODRICH & ROSATI	
17	Professional Corporation	
18	By: <u>/s/ Keith E. Eggleton</u> Keith E. Eggleton	
19	Keith E. Eggleton	
20	Rodney G. Strickland Luke A. Liss	
21	Philip K. Rucker 650 Page Mill Road	
22	Palo Alto, CA 94304-1050 Telephone: (650) 493-9300	
23	Facsimile: (650) 493-6811 Email: keggleton@wsgr.com	
24	Email: rstrickland@wsgr.com Email: lliss@wsgr.com	
25	Email: prucker@wsgr.com	
26	Attorneys for Defendants Polycom, Inc., Michael R. Kourey, and Eric F. Brown	
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	STIPULATION AND [PROPOSED] SCHEDULING ORDER Case No. 3:13-cv-03476-SC 2	

1	1 Dated: October 1, 2015 POMERANT	ZLLP	
2		remy A. Lieberman remy A. Lieberman	
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10	) Facsin	none: (312) 377-1181 nile: (312) 377-1184	
11	1	pdahlstrom@pomlaw.com	
12	2 Attorn	eys for Lead Plaintiff Mark Nathanson	
13	3		
14	ECF ATTESTA	ECF ATTESTATION	
15	5 I, Philip Besirof, am the ECF User who	I, Philip Besirof, am the ECF User whose ID and Password are being used to file	
16	5	this motion. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Rodney G.	
17	Strickland and Jeremy A. Lieberman have concurred in this filing.		
18	3		
19	Dated: October 1, 2015 MORRISON	& FOERSTER LLP	
20	) By: /s/Ph	ilip T. Besirof	
21	l Ph	<i>ilip T. Besirof</i> ilip T. Besirof	
22		. Friedman T. Besirof	
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25	5 Email:	PFriedman@mofo.com PBesirof@mofo.com	
26	5	eys for Defendant Andrew Miller	
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28	3		
	STIPULATION AND [PROPOSED] SCHEDULING ORDER Case No. 3:13-cv-03476-SC		

1	DECLARATION OF PHILIP T. BESIROF
2	I, PHILIP T. BESIROF, hereby declare as follows:
3	1. I am an attorney licensed to practice law in the State of California and am admitted
4	to practice before this Court. I am a member of the law firm of Morrison & Foerster LLP, and
5	counsel of record for defendant Andrew Miller. I submit this Declaration in support of the
6	parties' Stipulation and [Proposed] Scheduling Order (hereafter, the "Stipulation"). If called as a
7	witness, I would testify to the facts listed below.
8	2. Pursuant to Civil Local Rule 6-2, I attest that the facts set forth in the Stipulation,
9	paragraphs 1 through 8 inclusive, are all true and accurate.
10	3. This is the parties' tenth request for a modification of time and the third with
11	respect to the Second Amended Complaint. The parties previously filed stipulations to extend the
12	time to respond to previously operative complaints on September 23, 2013 (ECF No. 17) and
13	December 30, 2013 (ECF No. 45). These stipulations were approved by the Court (see ECF Nos.
14	18, 46). Additionally, the parties filed six stipulated requests to continue the Initial Case
15	Management Conference; these were filed on September 23, 2013 (ECF No. 17), December 9,
16	2013 (ECF No. 36), April 4, 2014 (ECF No. 49), November 21, 2014 (ECF No. 64), January 2,
17	2015 (ECF No. 66), and February 6, 2015 (ECF No. 69). The Court granted these six previous
18	requests (see ECF Nos. 18, 39, 50, 65, 67, 68, 70). Finally, the parties filed two stipulations to
19	extend the time to respond to the Second Amended Complaint on May 5, 2015 and June 17, 2015
20	(ECF Nos. 80, 83), which were granted on May 5, 2015 and June 18, 2015, respectively
21	(ECF Nos. 82, 84).
22	4. Other than the reply briefing scheduling for the motions to dismiss the Second
23	Amended Complaint, the proposed schedule will not impact any other deadlines or dates set by
24	the Court.
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	STIPULATION AND [PROPOSED] SCHEDULING ORDER Case No. 3:13-cv-03476-SC 4

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 1st day of October, 2015.
4	MORRISON & FOERSTER LLP
5	
6	By: <u>/s/ Philip T. Besirof</u> Philip T. Besirof
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9	[PROPOSED] ORDER
10	PURSUANT TO STIPULATION, IT IS SO ORDERED.
11	NTES DISTRICT
12	S <sup>S1E</sup>
13	Dated: 10/02/2015
14	5 Participation 4
15	Z Judge Samuel Conti
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18	DISTRICT OF CON
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20	STIPULATION AND [PROPOSED] SCHEDULING ORDER Case No. 3:13-cv-03476-SC 5