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7

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.  
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Case No. 3:13-cv-03476-SC

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
ENLARGING TIME FOR DEFENDANTS'  
REPLY BRIEFS**

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

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

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15 *Attorneys for Defendant Andrew Miller*

16 Dated: October 1, 2015

WILSON SONSINI GOODRICH & ROSATI  
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17 By: /s/ Keith E. Eggleton  
Keith E. Eggleton

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25 *Attorneys for Defendants Polycom, Inc.,*  
26 *Michael R. Kourey, and Eric F. Brown*  
27  
28

1 Dated: October 1, 2015

POMERANTZ LLP

2 By: /s/ Jeremy A. Lieberman  
3 Jeremy A. Lieberman

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18 *Attorneys for Lead Plaintiff Mark Nathanson*

19 **ECF ATTESTATION**

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

23 Dated: October 1, 2015

MORRISON & FOERSTER LLP

24 By: /s/ Philip T. Besirof  
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*Attorneys for Defendant Andrew Miller*

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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.

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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 By: /s/ Philip T. Besirof  
6 Philip T. Besirof  
7

8  
9 **[~~PROPOSED~~] ORDER**

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

11  
12  
13 Dated: 10/02/2015

