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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL HUSSEY,
Plaintiff,
v.
RUCKUS WIRELESS, INC., et al.,
Defendants.

Case No. 16-cv-02991-EMC

**ORDER CONDITIONALLY
GRANTING MOTION FOR
APPOINTMENT AS LEAD PLAINTIFF
AND APPROVAL OF LEAD
PLAINTIFF'S SELECTION OF LEAD
COUNSEL**

Docket No. 11

Having considered the City of Pontiac General Employees' Retirement System's Motion for Appointment as Lead Plaintiff and Approval of Its Selection of Lead Counsel (the "Motion") and good cause appearing therefor, the Court ORDERS as follows:

1. The Motion is conditionally GRANTED¹ (see ¶ 6, *infra*);
2. Pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4(a)(3)(B), the City of Pontiac General Employees' Retirement System is conditionally appointed as Lead Plaintiff; and
3. Pursuant to 15 U.S.C. §78u-4(a)(3)(B)(v), the City of Pontiac General Employees' Retirement System's selection of Robbins Geller Rudman & Dowd LLP is conditionally approved and appointed as Lead Counsel. As conditionally-approved Lead Counsel, Robbins Geller Rudman & Dowd LLP shall have the following responsibilities and duties on behalf of conditionally-approved Lead Plaintiff and the putative class:
 - (a) the briefing and argument of any and all motions;

¹ At the hearing on the motion, the Court indicated that it was granting the motion, but, upon further reconsideration, concludes that a conditional grant is more appropriate.

- 1 (b) the conduct of any and all discovery proceedings;
- 2 (c) the examination of any and all witnesses in depositions;
- 3 (d) the selection of counsel to act as spokesperson at all pretrial conferences;
- 4 (e) the organization of meetings of plaintiffs' counsel as they deem necessary and
- 5 appropriate from time to time;
- 6 (f) settlement negotiations with counsel for defendants;
- 7 (g) the pretrial discovery proceedings and the preparation for trial and the trial of
- 8 this matter, and delegation of work responsibilities to selected counsel as may be
- 9 required;
- 10 (h) the preparation and filing of all pleadings; and
- 11 (i) the supervision of all other matters concerning the prosecution or resolution of
- 12 the consolidated action.

13 4. No motion, discovery request, or other pretrial proceedings shall be initiated or
14 filed by any plaintiff without the approval of conditionally-approved Lead Counsel, so as to
15 prevent duplicative pleadings or discovery. No settlement negotiations shall be conducted without
16 the approval of conditionally-approved Lead Counsel.

17 5. Conditionally-approved Lead Counsel shall be the contact between plaintiff's
18 counsel and defendants' counsel, as well as the spokesperson for all plaintiff's counsel, and shall
19 direct and coordinate the activities of plaintiff's counsel.

20 6. The Court's approval of the pending motion is conditioned on the City of Pontiac
21 General Employees' Retirement System/the Robbins Geller law firm providing the notice required
22 by 15 U.S.C. § 78u-4(a)(3) of *this* lawsuit, and not the Delaware lawsuit (*i.e.*, *Borrego*), by **three**
23 **court days**.² See Myers Decl., Ex. A (notice provided of *Borrego* action). If no competing

24 _____
25 ² Section 78u-4(a)(3) provides as follows:

- 26 (i) In general. Not later than 20 days after the date on which the
 - 27 complaint is filed, the plaintiff or plaintiffs shall cause to be
 - 28 published, in a widely circulated national business-oriented
- publication or wire service, a notice advising members of the
purported class –

1 motion for appointment is filed within 60 days after publication of the notice, then on the City of
2 Pontiac General Employees' Retirement System/the Robbins Geller law firm should so notify the
3 Court (and provide evidence establishing that notice was properly given), and the Court shall then
4 grant final approval.

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6 **IT IS SO ORDERED.**

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8 Dated: September 9, 2016

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EDWARD M. CHEN
United States District Judge

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- (I) of the pendency of the action, the claims asserted therein, and the purported class period; and
 - (II) that, not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class.

15 U.S.C. § 78u-4(a)(3).