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10 Attorneys for Defendants
ShoreTel, Inc., Shane Robison, Don Joos,
11 Marjorie Bowen, Mark Bregman, Kenneth
Denman, Charles Kissner, Constance Skidmore
12 and Josef Vejvoda

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 GIANFRANCA DE ANGELIS, Individually
and on Behalf of All Others Similarly Situated,

18 Plaintiff,

19 v.

20 SHORETEL, INC., SHANE ROBISON, DON
21 JOOS, MARJORIE BOWEN, MARK
BREGMAN, KENNETH DENMAN,
22 CHARLES KISSNER, CONSTANCE
SKIDMORE, and JOSEF VEJVODA,

23 Defendants.
24

Case No.: 17-cv-5091-WHO

**STIPULATION AND ORDER
VOLUNTARILY DISMISSING
ACTION AS MOOT PURSUANT TO
FED. R. CIV. P. 41(a)(1)(A)(ii)**

1 Disclosures, and have informed Defendants of their intention to petition the Court for such a fee if
2 their claim cannot be resolved through negotiations between counsel for Plaintiffs in the Actions
3 and Defendants (the “Fee Application”);

4 WHEREAS, for the sake of judicial economy and the convenience of all parties, counsel
5 for plaintiffs in all of the Actions have coordinated their efforts and intend to file any Fee
6 Application jointly in the Scarantino Action, which was the first-filed of the Actions;

7 WHEREAS, all of the Defendants in the Actions reserve all rights, arguments and
8 defenses, including the right to oppose any potential Fee Application and the right to dispute
9 which Court should address any Fee Application;

10 WHEREAS, no class has been certified in the Actions;

11 WHEREAS, for the avoidance of doubt, no compensation in any form has passed directly
12 or indirectly to Plaintiff De Angelis or her attorneys and no promise, understanding, or agreement
13 to give any such compensation has been made, nor have the parties had any discussions
14 concerning the amount of any mootness fee application;

15 NOW, THEREFORE, subject to the approval of the Court, the parties stipulate and agree
16 as follows:

17 1. The De Angelis Action is dismissed, all claims asserted therein are dismissed with
18 prejudice as to Plaintiff only, and all claims on behalf of the putative class are dismissed without
19 prejudice.

20 2. Because the dismissal is with prejudice as to Plaintiff only, and not on behalf of a
21 putative class, notice of this dismissal is not required.

22 3. If a Fee Application becomes necessary, Plaintiff De Angelis’s counsel may seek a
23 fee by joining in the Fee Application to be filed in the Scarantino Action where the Court will
24 retain jurisdiction, as appropriate, for the Fee Application.

25 4. This Stipulation, and any Order thereon, are made without prejudice to any right,
26 position, claim or defense any party may assert with respect to the Fee Application, which
27 includes the Defendants’ right to oppose the Fee Application and the right to dispute which Court
28 should address any Fee Application.

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Dated: September 21, 2017

WEISSLAW LLP

By /s/ Joel E. Elkins
Joel E. Elkins

Attorneys for Plaintiff Gianfranca De Angelis

Dated: September 21, 2017

FENWICK & WEST LLP

By /s/ Kevin P. Muck
Kevin P. Muck

Attorneys for Defendants ShoreTel, Inc., Shane Robison, Don Joos, Marjorie Bowen, Mark Bregman, Kenneth Denman, Charles Kissner, Constance Skidmore and Josef Vejvoda

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Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in the filing of this stipulation.

Dated: September 21, 2017

/s/ Kevin P. Muck
Kevin P. Muck

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ORDER

Pursuant to the foregoing stipulation, IT IS HEREBY ORDERED that:

1. The De Angelis Action is dismissed, all claims asserted therein are dismissed with prejudice as to Plaintiff only, and all claims on behalf of the putative class are dismissed without prejudice.

2. Because the dismissal is with prejudice as to Plaintiff only, and not on behalf of a putative class, notice of this dismissal is not required.

3. If a Fee Application becomes necessary, Plaintiff De Angelis’s counsel may seek a fee by joining in the Fee Application to be filed in the Scarantino Action, where the Court will retain jurisdiction, as appropriate, for the Fee Application.

4. This Stipulation, and any Order thereon, are made without prejudice to any right, position, claim or defense any party may assert with respect to the Fee Application, which includes the Defendants’ right to oppose the Fee Application and the right to dispute which Court should address any Fee Application.

Dated: September 22, 2017



The Honorable William H. Orrick
United States District Judge