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 Kaiam Corporation

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 FINISAR CORPORATION,

19 Plaintiff,

20 vs.

21 KAIAM CORPORATION,

22 Defendant.

CASE NO. 3:18-cv-01070

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO STAY**

1 **STIPULATED MOTION TO STAY THE CASE**

2 Plaintiff Finisar Corporation (“Finisar”) and Defendant Kaiam Corporation (“Kaiam”), by
3 and through their respective counsel of record hereby stipulate and request that the Court enter an
4 order staying the instant litigation. In support of this request, the parties state as follows:

5 WHEREAS, it has been publicly announced that Kaiam is facing financial difficulties
6 which has led to layoffs of Kaiam employees, the appointment of administrators to manage
7 Kaiam’s European operations, and the contemplation of potential insolvency proceedings in the
8 United States;

9 WHEREAS, Kaiam’s CEO has been quoted in a January 3, 2019 article stating that “The
10 odds are that we [Kaiam] will also go into some sort of insolvency process in the U.S. as well.”

11 WHEREAS, Kaiam’s financial situation could directly impact the instant litigation;

12 WHEREAS, in light of these recent developments, the parties believe it is prudent to
13 conserve judicial resources and the parties’ resources until Kaiam’s financial situation becomes
14 clearer;

15 WHEREAS, as a result of discussions between the parties, Finisar and Kaiam have agreed
16 to jointly request that the Court stay the instant litigation in light of the uncertainty concerning
17 Kaiam’s financial situation;

18 WHEREAS, counsel for Kaiam, Chad J. Peterman, has submitted a supporting declaration
19 with this stipulation;

20 NOW THEREFORE, in consideration of the foregoing, Kaiam and Finisar by and through
21 their undersigned counsel, hereby stipulate and request that the Court order the following:

22 1) The instant case is hereby stayed; and

23 2) The parties are directed to file a joint update with the Court concerning whether it is
24 appropriate to lift the stay by February 22, 2019.

25 **IT IS SO STIPULATED.**

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DATED: January 7, 2019

PAUL HASTINGS LLP

By: /s/ Chad J. Peterman

CHAD J. PETERMAN

Attorneys for Defendant
Kaiam Corporation

DATED: January 7, 2019

MORGAN LEWIS & BOCKIUS LLP

By: /s/ Michael J. Lyons

Michael J. Lyons

Attorneys for Plaintiff
Finisar Corporation

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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, the Court orders as follows:

- 1) The instant case is hereby stayed; and
- 2) The parties are directed to file a joint update with the Court concerning whether it is appropriate to lift the stay by February 22, 2019.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 8 2019



Honorable Richard Seeborg
U.S. DISTRICT COURT JUDGE