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5 -and-

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11 *Co-Lead Counsel for Lead Plaintiffs*

12
 13 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 14 **SAN FRANCISCO DIVISION**

15 IN RE JDS UNIPHASE CORPORATION
 16 ERISA LITIGATION

Master File No. C 03-CV-04743 (CW)

CLASS ACTION

17
 18 This Document Relates To:
 19 ALL ACTIONS

**STIPULATION AND ORDER
 REGARDING PRELIMINARY
 APPROVAL OF SETTLEMENT;
 20 CONDITIONAL CERTIFICATION OF
 21 SETTLEMENT CLASS; APPROVAL OF
 NOTICE TO CLASS MEMBERS; AND
 22 SETTING A DATE FOR A FINAL
 23 FAIRNESS HEARING AS MODIFIED**

1 Plaintiffs Eric Jason Carey, Douglas A. Pettit, and Alice Hodges-Toby (together, the
2 “Plaintiffs”), and Defendants, JDS Uniphase Corporation JDSU, Jennifer Bernauer, Craig Collins,
3 Bruce Day, Robert Enos, Rick Fieber, Steve Fife, Peter Guglielmi, Gary Hochman, Martin Kaplan,
4 Mike Kasper, Angela Kupps, Kevin Kennedy, Donald J. Listwin, Marie Lynch, John MacNaughton,
5 Steve Moore, Tom Moser, Holly Neal, Andrew Pollack, Dena Regan, Garry Ronco, Jeff Ryan, Jill
6 Sanford, Donald Scifres, Wendy Serrano, Wilson Sibbett, William J. Sinclair, Casimir Skrzypczak,
7 Jozef Straus, and Lori Zaret (hereinafter the “Defendants”) hereby submit this stipulation to shorten
8 the time period in which the Court will hear the Motion for Preliminary Approval of Settlement,
9 Conditional Certification of Settlement Class, Approval of Notice to Class Members; and Setting A
10 Date for a Final Fairness (the “Motion”).
11

12 WHEREAS, the Motion was filed with the Northern District of California on October 15,
13 2009 via the Court’s Electronic Filing System and appears on the docket as document number 210;
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15 WHEREAS, pursuant to L. Civ. R. 7-2 (a), requiring all motions be filed, served and noticed
16 in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after
17 service of the motion,

18 WHEREAS, the Motion was inadvertently filed without a motion hearing date to be docketed
19 on the Judge’s motion calendar;
20

21 WHEREAS, counsel for the Defendants do not intend to oppose the Motion;

22 WHEREAS, counsel for the Plaintiffs and Defendants have conferred and agree upon a date
23 before the 35 days specified in L. Civ. R. 7-2(a) in order to expedite the preliminary approval of
24 settlement;

25 WHEREAS, there would be no substantial harm or prejudice that would occur if the
26 Court granted the proposed shortened time for hearing the Motion;
27
28

1 NOW, THEREFORE, Plaintiffs and Defendants stipulate that the Motion Hearing date be
2 shortened to November 12, 2009 at 2:00 p.m.

3
4 Dated this 21st day of October, 2009.

Respectfully submitted,

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7 MORRISON & FOERSTER LLP

BARROWAY TOPAZ KESSLER
MELTZER & CHECK, LLP

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9 By: [signature appears on filed copy]
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21 **THE MOTION IS SUBMITTED ON THE PAPERS.**

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23
24 Honorable Claudia Wilken
United States District Judge