

1 [COUNSEL LISTED ON SIGNATURE PAGES]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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OAKLAND DIVISION

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12 CENTRAL STATES, SOUTHEAST AND
13 SOUTHWEST AREAS PENSION FUND,

Master File No. C-07-0584 CW (EDL)

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Plaintiff,

**STIPULATION AND ORDER RE
CONFIDENTIALITY**

14

v.

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16 JDS UNIPHASE CORPORATION, JOZEF
17 STRAUS, KEVIN N. KALKHOVEN,
18 ANTHONY R. MULLER, and CHARLES
19 J. ABBE,

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Defendants.

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STIPULATION AND [PROPOSED] ORDER REGARDING CONFIDENTIALITY
MASTER FILE No. C-07-0584 CW (EDL)

1 WHEREAS Plaintiff Central States, Southeast and Southwest Areas Pension Fund
2 (“Central States”) has opted out of the class certified in by the Court in *In re JDS Uniphase*
3 *Corporation Securities Litigation*, Master File No. C-02-1486 CW (EDL) (the “Related Class
4 Action”);

5 WHEREAS Central States has filed this action, which arises from the same facts and
6 circumstances as the Related Class Action;

7 WHEREAS Central States is seeking discovery that was produced in the Related Class
8 Action;

9 WHEREAS certain discovery in the Related Class Action was produced subject to the
10 Court’s September 21, 2005 Order Regarding Confidentiality (the “Confidentiality Order” (copy
11 attached as Exhibit 1)); and

12 WHEREAS the parties agree that Central States should be added as a party to the
13 Confidentiality Order in the Related Class Action;

14 IT IS HEREBY STIPULATED by and between the parties in this action and the Related
15 Class Action, through their counsel of record, that:

16 1. Central States shall be deemed a party to the Confidentiality Order;
17 2. The Confidentiality Order shall be deemed to apply to Central States’ case;
18 3. All parties shall be bound by the Confidentiality Order’s provisions, except as
19 modified below. To the extent Central States has requested or requests from defendants non-
20 party discovery produced in the Related Class Action subject to the Confidentiality Order, the
21 following procedure shall be followed:

- 22 a. Within 10 days of Central States’ request (or, with respect to Central States’
23 existing document requests, no later than 10 days from entry of this proposed
24 order), defendants shall provide Central States with a list of the non-parties whose
25 documents, testimony, or other discovery materials are called for in Central States’
26 request. The list shall specify whether defendants have contact information for the
27 non-parties on the list.
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- 1 b. Central States shall specify the non-parties identified on the list described in
2 paragraph 3(a), above, whose documents, testimony, or other discovery materials
3 Central States wishes to obtain.
- 4 c. To the extent defendants have contact information for non-parties identified
5 pursuant to paragraph 3(b), above, defendants shall notify the relevant non-parties
6 in writing about Central States' request. The notice may be sent by U.S. Mail and
7 shall be sent no later than 7 days after Central States identifies non-parties
8 pursuant to paragraph 3(b), above. The notice shall include a copy of the
9 Confidentiality Order and tell the relevant non-parties that they have 21 days from
10 the date of the notice to object to the Central States' request. Documents,
11 testimony, or other discovery materials produced by the relevant non-parties shall
12 not be produced to Central States until either the 21-day period for objecting has
13 passed or any objections by the relevant non-parties have been resolved,
14 whichever is later.
- 15 d. To the extent defendants do not have contact information for the non-parties
16 identified pursuant to paragraph 3(b), above, the parties in the Central States case
17 shall meet and confer to determine the most efficient way to provide the notice
18 described in paragraph 3(c), above — including which party shall provide the
19 notice.

20 4. For the purposes of defendants' responses to discovery served in the Central States
21 case only, this order shall supersede the Confidentiality Order's provisions with respect to
22 notifying non-parties about requests for discovery that the non-parties produced in the Related
23 Class Action.

1 Dated: May 4, 2007

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