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10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13
 14 IN RE CISCO SYSTEMS, INC.
 15 DERIVATIVE LITIGATION

Lead Case No. C-11-01734 SBA

**JOINT STIPULATION AND ORDER OF
 DISMISSAL**

16
 17 This Document Relates To:

18 ALL ACTIONS.

19
 20 Plaintiffs Jean Marie Cinotto and Marilyn Poulos (“Plaintiffs”), and Defendants John T.
 21 Chambers, Randy Pond, Gary B. Moore, Robert W. Lloyd, Frank A. Calderoni, Larry R. Carter,
 22 Jerry Yang, Carol A. Bartz, Steven M. West, John L. Hennessy, Roderick C. McGearry, M.
 23 Michele Burns, Richard M. Kovacevich, Michael D. Capellas, Brian L. Halla, Arun Sarin, and
 24 Nominal Defendant Cisco Systems, Inc. (collectively, “Defendants”), by and through their
 25 respective counsel of record, hereby stipulate as follows:

26 WHEREAS, these consolidated derivative actions were filed by Plaintiffs Jean Marie
 27 Cinotto and Marilyn Poulos on April 6, 2011 and April 20, 2011, respectively, and were
 28 consolidated by order of the Court dated June 28, 2011;

1 WHEREAS, these consolidated derivative actions have been deemed “related cases” to
2 class action lawsuits filed in this Court, the first of which is entitled *Schipper v. Cisco Systems,*
3 *Inc., et al.*, No. C-11-01568 SBA, filed on March 31, 2011, and which was subsequently
4 consolidated with other class actions (the “Class Action”);

5 WHEREAS, by the parties’ stipulation and order of the Court, entered February 10, 2012,
6 all proceedings in this action have been stayed pending further developments in the Class Action;

7 WHEREAS, on March 29, 2013, this Court entered an order granting defendants’ motion
8 to dismiss in the Class Action;

9 WHEREAS, on April 26, 2013, the parties to the Class Action filed a stipulation to dismiss
10 that action with prejudice, and an order dismissing that action was entered by the Court on April
11 29, 2013;

12 WHEREAS, in light of the foregoing, the parties to this action have met and conferred and
13 believe that this action should similarly be dismissed, with all parties waiving any rights to appeal
14 from any aspect of this action;

15 WHEREAS, plaintiffs and defendants agree that all parties will bear their own fees and
16 costs incurred in connection with this litigation;

17 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the
18 parties, subject to approval by the Court, that:

- 19 1. This action shall be dismissed in its entirety without prejudice, with all parties waiving
20 any rights to appeal from any aspect of this action;
- 21 2. Plaintiffs and defendants will bear their own fees and costs; and
- 22 3. The case is hereby closed and all scheduled dates are struck from the Court’s calendar.

23 Dated: May 8, 2013

JOHNSON & WEAVER, LLP

24 By: /s/ Frank J. Johnson

25 Frank J. Johnson

26 Attorneys for Plaintiffs Jean Marie Cinotto and
27 Marilyn Poulos

28

1 Dated: May 8, 2013

FENWICK & WEST LLP

2
3 By: /s/ Kevin P. Muck

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9 Randy Pond, Gary B. Moore, Robert W. Lloyd,
10 Frank A. Calderoni, Larry R. Carter, Jerry Yang,
11 Carol A. Bartz, Steven M. West, John L.
12 Hennessy, Roderick C. McGeary, M. Michele
13 Burns, Richard M. Kovacevich, Michael D.
14 Capellas, Brian L. Halla, and Arun Sarin,
15 Nominal Defendant Cisco Systems, Inc.

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

18 * * *

19 **ORDER**

20 Pursuant to the foregoing stipulation, IT IS HEREBY ORDERED THAT:

- 21 1. This action shall be dismissed in its entirety without prejudice, with all parties
- 22 waiving any rights to appeal from any aspect of this action or its dismissal;
- 23 2. Plaintiffs and defendants will bear their own fees and costs; and
- 24 3. The case is hereby closed and all scheduled dates are struck from the Court's
- 25 calendar.

26 Dated: __5/9/13

27 

28 The Honorable Saundra Brown Armstrong
United States District Judge