

E-filed 12/28/09

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re ATMEL CORPORATION DERIVATIVE
LITIGATION.

Case Number C-06-4592 JF (HRL)

ORDER¹ REGARDING DEFENDANT
ROSS'S REQUEST FOR
CLARIFICATION

On December 18, 2009, the Court issued an order preliminarily approving settlement in the above-entitled derivative litigation ("December 18th order"). The December 18th order provides that notice of the proposed settlement is to be published no later than twenty-four days following the entry of the order. The order also provides that discovery in the matter is "stayed and/or enjoined until further order of the Court, except as may be necessary to implement the settlement of the Actions or comply with the terms of this Agreement." (December 18th order ¶ 10.)

By letter dated December 18, 2009, non-settling Defendant J. Michael Ross ("Ross") seeks clarification of these two elements of the December 18th order. First, Ross argues that


¹ This disposition is not designated for publication and may not be cited.

1 discussion on the record on December 18, 2009, indicated that, to allow Ross to engage in
2 mediation discussions, the Court would set January 15, 2010, as the notice publication deadline.
3 Second, Ross maintains that the Court also indicated at the hearing that discovery would not be
4 stayed as to him pending final approval and that discovery would be discussed further at the Case
5 Management Conference (“CMC”) scheduled for January 8, 2010.

6 Regarding the notice date, Ross is correct. The date for publication of notice of the
7 proposed settlement is January 15, 2009. As for the second issue, the Court will discuss the
8 status of discovery regarding Ross with all of the parties at the January 8th CMC. Pending that
9 discussion, new discovery will be stayed. This does not affect the discovery matter heard by
10 Judge Lloyd on December 22, 2009, and now pending before him.

11
12 IT IS SO ORDERED.

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14 DATED: 12/28/2009 |


JEREMY FOGEL
United States District Judge