

1 ROBBINS GELLER RUDMAN
 & DOWD LLP
 2 SHAWN A. WILLIAMS (213113)
 CHRISTOPHER M. WOOD (254908)
 3 Post Montgomery Center
 One Montgomery Street, Suite 1800
 4 San Francisco, CA 94104
 Telephone: 415/288-4545
 5 415/288-4534 (fax)
 shawnw@rgrdlaw.com
 6 cwood@rgrdlaw.com
 – and –
 7 TRAVIS E. DOWNS III (148274)
 655 West Broadway, Suite 1900
 8 San Diego, CA 92101
 Telephone: 619/231-1058
 9 619/231-7423 (fax)
 travisd@rgrdlaw.com



SAXENA WHITE P.A.
 MAYA SAXENA
 JOSEPH E. WHITE
 2424 N. Federal Highway, Suite 257
 Boca Raton, FL 33431
 Telephone: 561/394-3399
 561/394-3382 (fax)
 msaxena@saxenawhite.com
 jwhite@saxenawhite.com

10 Co-Lead Counsel for Plaintiffs

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 In re FINISAR CORP. DERIVATIVE)	Master File No. C-06-07660-RMW
15 LITIGATION)	
16 _____)	STIPULATION AND [] ORDER
17 This Document Relates To:)	EXTENDING THE DEADLINE FOR
18 ALL ACTIONS.)	FILING A MOTION FOR SUBSTITUTION
_____)	PURSUANT TO RULE 25(a)

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1 WHEREAS, the Supplemental Second Amended Consolidated Verified Shareholder
2 Derivative Complaint (the "SSAC"), the operative complaint in this matter, was filed on June 3,
3 2008 (Dkt. Nos. 62-65);

4 WHEREAS, the SSAC named defendants Jan Lipson and Larry D. Mitchell, among other
5 defendants;

6 WHEREAS, Larry D. Mitchell passed away on January 22, 2010;

7 WHEREAS, Jan Lipson passed away on July 18, 2010;

8 WHEREAS, the parties' Request for Case Management Conference and Joint Case
9 Management Conference Statement, filed on August 19, 2011 (Dkt. No. 112), made note of
10 Mr. Mitchell's and Mr. Lipson's passing, arguably triggering the 90-day period within which any
11 party may file a motion for substitution of a party pursuant to Rule 25(a) of the Federal Rules of
12 Civil Procedure;

13 WHEREAS, in order to preserve the pending claims, and in light of the parties' upcoming
14 mediation, the parties wish to extend the deadline by which a party must file a motion for
15 substitution pursuant to Rule 25(a), until February 17, 2012; and

16 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
17 efficiency and will not cause prejudice to any party;

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs, the Lipson
19 2000 Revocable Trust Under Agreement Dated September 28, 2000 and the Mitchell Revocable
20 Family Trust, through their respective counsel, subject to approval of the Court as follows:

21 1. The date within which any party must file a motion for substitution pursuant to Rule
22 25(a) is extended until February 17, 2012.

23 IT IS SO STIPULATED.

24 DATED: November 17, 2011

ROBBINS GELLER RUDMAN
& DOWD LLP
SHAWN A. WILLIAMS
CHRISTOPHER M. WOOD

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s/ Christopher M. Wood
CHRISTOPHER M. WOOD

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Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)

ROBBINS GELLER RUDMAN
& DOWD LLP
TRAVIS E. DOWNS III
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

SAXENA WHITE P.A.
MAYA SAXENA
JOSEPH E. WHITE
2424 N. Federal Highway, Suite 257
Boca Raton, FL 33431
Telephone: 561/394-3399
561/394-3382 (fax)

Co-Lead Counsel for Plaintiffs

DATED: November 17, 2011

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN, P.C.

s/ Sarah A. Good
SARAH A. GOOD

Three Embarcadero Center, Seventh Floor
San Francisco, CA 94111-4024
Telephone: 415/434-1600
415/677-6262 (fax)

Attorneys for Defendants
DAVID BUSE, JOHN DRURY, MARK
FARLEY, JOSEPH YOUNG and STEPHEN K.
WORKMAN and for the LIPSON 2000
REVOCABLE TRUST UNDER AGREEMENT
DATED SEPTEMBER 28, 2000

DATED: November 17, 2011

DLA PIPER
DAVID A. PRIEBE

s/ David A. Priebe
DAVID A. PRIEBE

2000 University Avenue
East Palo Alto, CA 94303-2214
Telephone: 650/833-2000
650/833-2001 (Fax)

Attorneys for Nominal Defendant FINISAR CORPORATION and the MITCHELL REVOCABLE FAMILY TRUST

I, Christopher M. Wood, am the ECF User whose identification and password are being used to file the Stipulation and [Proposed] Order Extending the Deadline for Filing a Motion for Substitution Pursuant to Rule 25(a). In compliance with General Order 45.X.B, I hereby attest that Sarah A. Good and David A. Priebe have concurred in this filing.

DATED: November 17, 2011

By: s/ Christopher M. Wood
CHRISTOPHER M. WOOD

* * *

ORDER

Having considered the parties' Stipulation, and good cause appearing, the Court hereby GRANTS the parties' Stipulation.

IT IS SO ORDERED.

DATED: _____



THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE