



1           WHEREAS, on February 17, 2012, the Court entered a second Stipulation and Order  
2 Extending the Deadline for Filing a Motion for Substitution Pursuant to Rule 25(a) (the “Rule 25(a)  
3 Order”) (Dkt. No. 136);

4           WHEREAS, the Rule 25(a) Order extended the deadline by which a party must file a motion  
5 for substitution pursuant to Rule 25(a) with respect to Jan Lipson and Larry D. Mitchell, who passed  
6 away during the pendency of this litigation, until March 2, 2012;

7           WHEREAS, on March 2, 2012, the parties filed a Stipulation and [Proposed] Order  
8 Extending the Deadline for Filing Motions to Dismiss, which informed the Court that the parties’  
9 settlement discussions were still ongoing, and, in light of such continued discussions, requested an  
10 extension of the deadline for defendants to file motions to dismiss plaintiffs’ Supplemental Second  
11 Amended Consolidated Verified Shareholder Derivative Complaint or other responsive pleadings  
12 until March 15, 2012;

13           WHEREAS, in order to preserve the pending claims, and in light of the parties’ ongoing  
14 settlement discussions, the parties wish to extend the deadline by which a party must file a motion  
15 for substitution pursuant to Rule 25(a), until April 20, 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 April 20, 2012.

23           IT IS SO STIPULATED.

24 DATED: March 2, 2012

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CHRISTOPHER M. WOOD

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s/ Christopher M. Wood  
CHRISTOPHER M. WOOD

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DATED: March 2, 2012

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1 DATED: March 2, 2012

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s/ David A. Priebe  
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Attorneys for Nominal Defendant Finisar  
Corporation and the Mitchell Revocable Family  
Trust

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

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s/ Christopher M. Wood  
\_\_\_\_\_  
CHRISTOPHER M. WOOD

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**ORDER**

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

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IT IS SO ORDERED.

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DATED: \_\_\_\_\_

*Ronald M. Whyte*  
\_\_\_\_\_  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

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