

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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

1 WHEREAS, on March 2, 2012, the Court entered a third Stipulation and Order Extending the
2 Deadline for Filing a Motion for Substitution Pursuant to Rule 25(a) (the “Rule 25(a) Order”) (Dkt.
3 No. 152);

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 April 20, 2012;

7 WHEREAS, in order to preserve the pending claims, and in light of the parties’ ongoing
8 settlement discussions, the parties wish to extend the deadline by which a party must file a motion
9 for substitution pursuant to Rule 25(a), until 30 days after entry of an order resolving the
10 Defendants’ pending re-noticed Motions to Dismiss Plaintiffs’ Supplemental Second Amended
11 Consolidated Verified Shareholder Derivative Complaint, scheduled for hearing before the Court on
12 June 8, 2012; and

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

15 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs, the Lipson
16 2000 Revocable Trust Under Agreement Dated September 28, 2000 and the Mitchell Revocable
17 Family Trust, through their respective counsel, subject to approval of the Court as follows:

18 1. The date within which any party must file a motion for substitution pursuant to Rule
19 25(a) is extended until 30 days after entry of an order resolving the Defendants’ pending re-noticed
20 Motions to Dismiss Plaintiffs’ Supplemental Second Amended Consolidated Verified Shareholder
21 Derivative Complaint.

22 IT IS SO STIPULATED.

23 DATED: April 20, 2012

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

24
25
26
27 s/ Christopher M. Wood
CHRISTOPHER M. WOOD

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: April 20, 2012

ARNOLD & PORTER LLP
SARAH A. GOOD
JEREMY KAMRAS

s/ Sarah A. Good
SARAH A. GOOD

Three Embarcadero Center, Seventh Floor
San Francisco, CA 94111-4024
Telephone: 415/471-3100
415/471-3400 (fax)

Counsel for Lipson 2000 Revocable Trust

1 DATED: April 20, 2012

DLA PIPER
DAVID A. PRIEBE

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

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: _____ 7/12/12 _____



THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2012, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 20, 2012.

s/ Christopher M. Wood
CHRISTOPHER M. WOOD
ROBBINS GELLER RUDMAN
& DOWD LLP
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)
E-mail: cwood@rgrdlaw.com