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10 Co-Lead Counsel for Plaintiffs

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

In re FINISAR CORP. DERIVATIVE LITIGATION)	Master File No. C-06-07660-RMW-HRL
This Document Relates To:)	STIPULATION AND [] ORDER
ALL ACTIONS.)	FURTHER EXTENDING DEADLINES FOR (I) AMENDING ANSWERS TO THE COMPLAINT; AND (II) FILING MOTION TO STRIKE

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1 WHEREAS, on May 21, 2008, plaintiffs filed the Supplemental Second Amended
2 Consolidated Verified Shareholder Derivative Complaint for Violation of the Federal Securities
3 Laws (the “SSAC”);

4 WHEREAS, on November 2, 2012, pursuant to the parties’ Joint Case Management
5 Conference Statement, defendants and Finisar Corporation (“Finisar”) filed their answers to the
6 SSAC;

7 WHEREAS, subsequent to filing of defendants’ answers, plaintiffs informed defendants that
8 they believe that certain of the affirmative defenses contained in defendants’ answers should be
9 amended or withdrawn;

10 WHEREAS, on January 2, 2013, the Court entered a Stipulation and Order Extending
11 Deadlines for (i) Amending Answers to the Complaint; and (ii) Filing Motion to Strike, which
12 extended the deadlines for plaintiffs to file a motion to strike pursuant to Rule 12(f)(2) of the Federal
13 Rules of Civil Procedure, and for defendants to file a motion to amend pursuant to Fed. R. Civ. P.
14 15(a)(1)(A), until January 22, 2013, in order to facilitate discussions between the parties regarding
15 defendants’ answers;

16 WHEREAS, on January 29, 2013, the Court entered a Stipulation and Order Further
17 Extending Deadlines for (i) Amending Answers to the Complaint; and (ii) Filing Motion to Strike,
18 which extended the deadlines for plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P.
19 12(f)(2), and for defendants to file a motion to amend pursuant to Fed. R. Civ. P. 15(a)(1)(A), until
20 February 22, 2013, in order to facilitate discussions between the parties regarding defendants’
21 answers; and

22 WHEREAS, the parties’ discussions are ongoing and the parties respectfully request that the
23 Court further extend the deadline for plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P.
24 12(f)(2), and the deadline for defendants to file a motion to amend pursuant to Fed. R. Civ. P.
25 15(a)(1)(A), until April 8, 2013, in order to facilitate continued discussions between the parties and
26 avoid potentially unnecessary motion practice.

27 NOW, THEREFORE, the parties hereby stipulate and agree, subject to this Court’s approval,
28 as follows:

1 DATED: February 20, 2013

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4 s/ Sarah A. Good
SARAH A. GOOD

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10 Counsel for Defendant Stephen Workman

11 DATED: February 20, 2013

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23 Counsel for Defendants Michael C. Child, Roger
24 C. Ferguson and Frank H. Levinson

25 DATED: February 20, 2013

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Counsel for Defendant Jerry S. Rawls

1 I, Christopher M. Wood, am the ECF User whose identification and password are being used
2 to file the Stipulation and [Proposed] Order Further Extending Deadlines for (i) Amending Answers
3 to the Complaint; and (ii) Filing Motion to Strike. In compliance with Civil Local Rule 5-1(i)(3), I
4 hereby attest that Sarah A. Good, Lloyd Winawer and Jared L. Kopel have concurred in this filing.

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6 s/ Christopher M. Wood
CHRISTOPHER M. WOOD

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9 **ORDER**

10 Based on the above Stipulation of the parties, by and through their counsel of record, and for
11 good cause showing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 12 1. The deadline for plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P.
13 12(f)(2) is extended until April 8, 2013.
- 14 2. The deadline for defendants to file a motion to amend pursuant to Fed. R. Civ. P.
15 15(a)(1)(A) is extended until April 8, 2013.

16 IT IS SO ORDERED.

17 DATED: _____


THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE