

**\*\*E-Filed 1/14/09\*\***

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 and Nominal Defendant Coherent, Inc.

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 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN JOSE DIVISION**

17 In re COHERENT, INC. SHAREHOLDER  
 18 DERIVATIVE ACTION

Lead Case No. C-07-0955-JF

DERIVATIVE ACTION

19 This Document Related To:

**STIPULATION AND ~~PROPOSED~~  
 ORDER CONTINUING CMC**

20 ALL ACTIONS.  
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1           WHEREAS, on January 5, 2009, the Court approved the parties' Stipulation continuing  
2 the date for defendants to file their reply briefs in support of their motions to dismiss; and

3           WHEREAS, in its January 5, 2009 Order the Court rescheduled the Case Management  
4 Conference in this matter to January 30, 2009; and

5           WHEREAS, the parties remain engaged in good faith settlement discussions with the  
6 assistance of the Honorable Howard B. Wiener (Ret.); and

7           WHEREAS, the lead partners who are counsel of record for the Coherent, Inc. Special  
8 Litigation Committee ("SLC") in this matter have a previously scheduled annual partners meeting  
9 in the New York area on January 30, 2009; and

10           WHEREAS, because of various scheduling conflicts among counsel, the next Friday for  
11 which counsel for all parties is available is March 6, 2009; and

12           WHEREAS, counsel is mindful of the Court's calendar and respectfully requests that the  
13 Case Management Conference be rescheduled to March 13, 2009; and

14           WHEREAS, counsel for all other parties have agreed to a continuance of the Case  
15 Management Conference, the agreed upon schedule is not for the purpose of delay, and will not  
16 cause prejudice to any party;

17           THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs, defendants and the  
18 SLC, through their undersigned counsel, subject to approval of the Court, that the Case  
19 Management Conference currently scheduled for January 30, 2009 should be rescheduled to  
20 March 13, 2009, or such other subsequent date as is convenient for the Court.

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IT IS SO STIPULATED.

Dated: January 12, 2009

/s/ Kathleen A. Herkenhoff

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/s/ Michael R. Smith

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Dated: January 12, 2009

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/s/ Diane M. Walters

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I, Michael C. Tu, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with General Order 45(X), I hereby attest that the other signatories have concurred in this filing.

\_\_\_\_\_  
/s/ Michael C. Tu

Michael C. Tu

**ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED. The Case Management Conference is rescheduled to March 13, 2009 at 10:30 a.m.

Dated: 1/14/09

  
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HON. JEREMY FOGEL  
UNITED STATES DISTRICT COURT JUDGE