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 10 Attorneys for the Special Litigation Committee of Coherent, Inc.
 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**

20 ALL ACTIONS.
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1 WHEREAS, on January 14, 2009, the Court approved the parties' Stipulation scheduling
2 the Court's hearing on the defendants' motions to dismiss and the Case Management Conference
3 in this matter on March 13, 2009; and

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

6 WHEREAS, the parties are currently in negotiations regarding a settlement provision that
7 involves an insurance coverage issue that will require the involvement of the company's
8 insurance carrier, and believe that a continuance of one additional week will facilitate those
9 settlement discussions; and

10 WHEREAS, counsel for all parties have agreed to a continuance of the Court's hearing on
11 the defendants' motions to dismiss and the Case Management Conference, the agreed upon
12 schedule is not for the purpose of delay, and will not cause prejudice to any party;

13 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs, defendants and the
14 SLC, through their undersigned counsel, subject to approval of the Court, that the Court's hearing
15 on defendants' motions to dismiss and the Case Management Conference currently scheduled for
16 March 13, 2009 should be rescheduled to March 20, 2009, or such other subsequent date as is
17 convenient for the Court.

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IT IS SO STIPULATED.

Dated: March 11, 2009

/s/ Kathleen A. Herkenhoff

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Dated: March 11, 2009

/s/ Michael R. Smith

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