

United States District Court
For the Northern District of California

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

E-FILED on 12/30/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re EXTREME NETWORKS, INC.
SHAREHOLDER DERIVATIVE
LITIGATION

No. C-07-02268 RMW

ORDER VACATING HEARING AND
SETTING BRIEFING SCHEDULE FOR
DEFENDANT'S MOTION FOR
RECONSIDERATION

[Re Docket No. 112, 114]

This Document Relates To:

ALL ACTIONS

On November 17, 2009, the court issued an order denying nominal defendant Extreme Networks, Inc. ("Extreme")'s motion to strike and motion to dismiss. On December 3, 2009, Extreme filed a notice of motion and motion: (1) for leave to file motion for reconsideration of the November 17, 2009 order denying nominal defendant's motion to strike and motion to dismiss; or in the alternative, (2) for stay of action and certification of appeal under 28 U.S.C. § 1292(b). On the same day, Extreme noticed a hearing on the motion for a stay and for certification of appeal on January 8, 2010. The court hereby vacates the hearing on the motion for a stay and for certification

1 of appeal and grants Extreme leave to file a motion for reconsideration. The court sets the following
2 briefing schedule on the motion for reconsideration:

3 January 15, 2010: Opposition due

4 January 22, 2010: Reply due

5 After reviewing the papers, the court will determine whether a hearing on the motion for
6 reconsideration is necessary. If the motion for reconsideration is denied, the court will then
7 determine whether to grant a stay of action and certification of appeal.

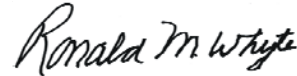
8

9

10

11

DATED: 12/30/09



RONALD M. WHYTE
United States District Judge

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiffs:**

3 Alan R Plutzik aplutzik@bramsonplutzik.com
4 Emanuel Shachmurove mshachmurove@sbtclaw.com
5 Eric L. Zagar ezagar@btkmc.com
6 Lawrence Timothy Fisher ltfisher@bramsonplutzik.com
7 Robert Bramson rbramson@bramsonplutzik.com
8 Aelish Marie Baig AelishB@csgrr.com
9 Shawn A. Williams shawnw@csgrr.com
10 Frank James Johnson frankj@johnsonbottini.com
11 Lucas F. Olts Lolts@csgrr.com

8 **Counsel for Defendants:**

9 John Henry Hemann jhemann@morganlewis.com
10 Jonathan DeGooyer jdegooyer@morganlewis.com
11 Joseph Edward Floren jfloren@morganlewis.com
12 Laura Alexis Lee llee@morganlewis.com

12 Counsel are responsible for distributing copies of this document to co-counsel that have not
13 registered for e-filing under the court's CM/ECF program.

14

15

16 **Dated:** 12/30/09

CCL
Chambers of Judge Whyte

17

18

19

20

21

22

23

24

25

26

27

28