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Lead Counsel for Plaintiffs

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

In re EXTREME NETWORKS, INC.
 SHAREHOLDER DERIVATIVE
 LITIGATION

No. C-07-02268-RMW

 This Document Relates To:
 ALL ACTIONS.

)
)
) STIPULATION AND [] ORDER
) EXTENDING DEADLINES FOR BRIEFING
) ON DEFENDANTS' MOTION TO DISMISS
) AND SETTING SCHEDULE FOR SECOND
) AMENDED CONSOLIDATED
) COMPLAINT
)
)

1 WHEREAS, Lead Plaintiff filed his First Amended Consolidated Complaint in this action on
2 October 11, 2007;

3 WHEREAS, Defendant Extreme Networks, Inc. (“Extreme”) filed its Motion to Dismiss and
4 supporting papers on November 26, 2007, contending that Lead Plaintiff lacks standing to sue in this
5 derivative action and has not alleged facts showing that pre-litigation demand upon Extreme’s Board
6 of Directors was excused as required under Federal Rules of Civil Procedure 23.1;

7 WHEREAS, Lead Plaintiff’s Opposition to Extreme’s Motion to Dismiss in this action is due
8 Friday, January 25, 2007;

9 WHEREAS, the court has set a hearing date for Extreme’s Motion to Dismiss for March 14,
10 2008 at 9:00 a.m.;

11 WHEREAS, Lead Plaintiff has requested an agreement from Defendants allowing Lead
12 Plaintiff leave to amend the First Amended Consolidated Complaint in order to address the
13 arguments raised in Extreme’s Motion to Dismiss;

14 WHEREAS, Defendants agree, subject to Court approval, that Lead Plaintiff may be granted
15 leave to file a Second Amended Complaint in an effort to address the arguments raised in Extreme’s
16 Motion to Dismiss;

17 WHEREAS, in the event the Court grants a renewed motion to dismiss as to the Second
18 Amended Complaint, Defendants will contend, and plaintiffs may oppose, that further leave to
19 amend should be denied by the Court;

20 WHEREAS, the parties have met and conferred and agree that Lead Plaintiff shall no later
21 than February 25, 2008 file a Second Amended Consolidated Complaint;

22 WHEREAS, there has been one previous continuance sought in connection with the briefing
23 related to Extreme’s Motion to Dismiss, and the agreed-upon schedule is not for the purpose of
24 delay, promotes judicial efficiency, and will not cause prejudice to any party,

25 THEREFORE, IT IS STIPULATED AND AGREED by Lead Plaintiff and Defendants,
26 through their respective counsel of record, and subject to the approval of the Court as follows:

27
28

1 **SCHEDULE**

2 Lead Plaintiff shall have until no later than February 25, 2008 to file a Second Amended
3 Consolidated Complaint. Defendants shall file and serve an answer or motion attacking the Second
4 Amended Consolidated Complaint no later than April 10, 2008. The hearing currently scheduled for
5 March 14, 2008 is hereby VACATED.

6 IT IS SO STIPULATED.

7 DATED: January 24, 2008

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12 Attorneys for Nominal Defendant Extreme
13 Networks, Inc.

14 I, Shawn A. Williams, am the ECF User whose ID and password are being used to file this
15 Stipulation and [Proposed] Order Extending Deadlines for Briefing on Defendants' Motion to
16 Dismiss and Setting Schedule for Second Amended Consolidated Complaint. In compliance with
17 General Order 45, X.B., I hereby attest that Joseph E. Floren of Morgan, Lewis & Bockius LLP has
18 concurred in this filing.

19 * * *

20 **ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: 2/6/08

23 *Ronald M. Whyte*
24 THE HONORABLE RONALD M. WHYTE
25 UNITED STATES DISTRICT JUDGE

26 T:\CasesSF\Extreme Networks\STP00048454.doc

1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 24, 2008, I electronically filed the foregoing with the Clerk
3 of the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have
5 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF
6 participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on January 24, 2008.

9 /s Shawn A. Williams
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Mailing Information for a Case 5:07-cv-02268-RMW

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Manual Notice List

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