

1 MORGAN, LEWIS & BOCKIUS LLP
JOSEPH E. FLOREN, STATE BAR NO. 168292
2 jfloren@morganlewis.com
REBECCA A. FALK, State Bar No. 226798
3 rfalk@morganlewis.com
MICHELLE PARK CHIU, State Bar. No. 248421
4 mchiu@morganlewis.com
ONE MARKET, SPEAR STREET TOWER
5 SAN FRANCISCO, CA 94105-1126
TEL: (415) 442-1000; FAX: (415) 442-1001

6 Attorneys for Non-Party
7 KLA-TENCOR CORPORATION

8 ADDITIONAL COUNSEL LISTED ON
SIGNATURE BLOCK

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

14 SECURITIES AND EXCHANGE
COMMISSION,

16 Plaintiff,

17 vs.

18 LISA C. BERRY,

19 Defendant.

Case No. C-07-cv-4431 RMW (HRL)

**STIPULATION AND []
SCHEDULING ORDER**

Honorable Ronald M. Whyte

1 WHEREAS, on June 28, 2011, the Court issued an Order Granting in Part and Denying in
2 Part Lisa C. Berry's Administrative Motion to File Under Seal [Re Docket No. 240] (Dkt. 253),
3 which required persons who have claimed confidentiality over any document attached to Ms.
4 Berry's motion for summary judgment to produce an itemized description of the confidentiality
5 basis for each document and a proposed order narrowly tailored to the confidential information by
6 August 29, 2011;

7 WHEREAS, on July 27, 2011, the Court issued an Order Granting Securities and
8 Exchange Commission's Administrative Motion to Provisionally Seal Filings in Opposition to
9 Motion for Partial Summary Judgment (Dkt. 274) that ordered the Commission maintain certain
10 documents filed under seal until further notice from the Court in accordance with Dkt. No. 253;

11 WHEREAS, on July 27, 2011, the Court issued an Order Granting Lisa C. Berry's
12 Administrative Motion to File Under Seal Pursuant to Stipulated Protective Orders, Civil L.R. 79-
13 5 and General Order 62 (Dkt. 275) that ordered that certain documents be filed under seal until
14 further notice from the Court;

15 WHEREAS on August 10, 2011, the Court issued an Order Granting Lisa C. Berry's
16 Administrative Motion to File Under Seal Pursuant to Stipulated Protective Orders, Civil L.R. 79-
17 5 and General Order 62 (Dkt. 290) that certain documents be maintained under seal until further
18 notice from the Court in accordance with Dkt. No. 253;

19 WHEREAS, non-parties KLA-TENCOR CORPORATION ("KLA"), JUNIPER
20 NETWORKS, INC. ("Juniper") and ERNST & YOUNG LLP ("E&Y") designated certain
21 documents and deposition excerpts as confidential that were to be maintained under seal pursuant
22 to the Court's orders (Dkt. Nos. 253, 274, 275, 290), and were to produce an itemized description
23 of the confidentiality basis for each of those documents and a proposed order narrowly tailored to
24 the confidential information by August 29, 2011;

25 WHEREAS, on August 19, 2011, Plaintiff Securities and Exchange Commission ("SEC")
26 and Defendant Lisa C. Berry ("Ms. Berry") (collectively, the "Parties") filed a Stipulation and
27 Proposed Scheduling Order (Dkt. 302) resetting the dates for trial to commence, the pretrial
28 conference, and the hearing on pending motions for partial summary judgment;

1 WHEREAS, on August 23, 2011, the Court approved the Stipulation and Scheduling
2 Order (Dkt. 303) resetting the dates for trial to commence to January 9, 2010, the pretrial
3 conference to December 15, 2011, and the hearing on pending motions for partial summary
4 judgment to November 18, 2011;

5 WHEREAS the undersigned parties and non-parties agree that a comparable extension of
6 the date by which persons who have claimed confidentiality over any documents or deposition
7 excerpts that are currently maintained under seal pursuant to the Court's orders is desirable to
8 avoid undue burden and expense for the Court, parties and non-parties;

9 IT IS HEREBY STIPULATED AND AGREED, by and between undersigned counsel
10 that:

11 1. The date for non-parties KLA, Juniper and E&Y to produce an itemized
12 description of the confidentiality basis for documents and deposition excerpts currently
13 maintained under seal pursuant to the Court's orders and to submit a proposed order narrowly
14 tailored to the confidential information is extended to November 21, 2011, which is a comparable
15 date to the schedule currently in place for making this submission.

16 IT IS SO STIPULATED.

17 DATED: August 24, 2011

Respectfully submitted,

19 By /s/ Michelle Park Chiu

20 Michelle Park Chiu
21 MORGAN, LEWIS & BOCKIUS LLP
22 E-mail: mchiu@morganlewis.com
23 One Market, Spear Street Tower
24 San Francisco, CA 94105-1126
25 Tel: (415) 442-1000; Fax: (415) 442-1001

26 *Attorneys for Non-Party*
27 KLA-TENCOR CORPORATION

28 By /s/ Susan LaMarca

Susan F. LaMarca
Email: lamarcas@sec.gov
44 Montgomery Street, Suite 2600
San Francisco, CA 94104
Tel: (415) 705-2500

1
2 *Attorney for Plaintiff*
3 SECURITIES AND EXCHANGE
4 COMMISSION

5 By /s/ Rebecca F. Lubens
6 Rebecca F. Lubens
7 Email: rlubens@orrick.com
8 ORRICK, HERRINGTON & SUTCLIFFE
9 LLP
10 405 Howard Street
11 San Francisco, CA 94105
12 Tel: (415) 773-5700

13 *Attorneys for Defendant*
14 LISA C. BERRY

15 By /s/ Joel E. Bonner
16 Joel E. Bonner
17 Email: joel.bonner@ey.com
18 ERNST & YOUNG LLP
19 725 Figueroa Street
20 Los Angeles, CA 90017
21 Tel: (213) 977-3335

22 *Attorney for Non-Party*
23 ERNST & YOUNG

24 By /s/ Joni L. Ostler
25 Joni L. Ostler
26 Email: jostler@wsgr.com
27 WILSON SONSINI GOODRICH & ROSATI
28 650 Page Mill Road
Palo Alto, CA 94304
Tel: (650) 493-9300

Attorneys for Non-Party
JUNIPER NETWORKS, INC.

29 Pursuant to General Order No. 45, Electronic Case Filing § X-B, the filer attests that
30 concurrence in the filing of this document has been obtained from each of the above signatories.
31
32
33
34
35
36
37
38
39
40

ORDER

Pursuant to the stipulation of the parties, and for good cause shown, the Court resets the date by which any person who has claimed confidentiality over any documents attached to the parties' motions for summary judgment evidentiary objections must produce an itemized description of the confidentiality basis for each document and a proposed order narrowly tailored to the confidential information to November 21, 2011.

DATED: _____


Hon. Ronald M. Whyte
United States District Judge