

1 COOLEY GODWARD LLP  
 WILLIAM S. FREEMAN (82002)  
 2 GRANT P. FONDO (181530)  
 JULIE C. LANZ (216763)  
 3 Five Palo Alto Square  
 3000 El Camino Real  
 4 Palo Alto, CA 94306-2155  
 Telephone: (650) 843-5000  
 5 Facsimile: (650) 857-0663

6 Attorneys for Defendant  
 JOHN KERN  
 7

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION  
 11

12 GREGORY WATTERSON, Derivatively On  
 Behalf of RIVERSTONE NETWORKS, INC.

13 Plaintiff,  
 14

15 vs.

16 ROMULUS PEREIRA, et al.

17 Defendants,  
 18

19 – and –

20 RIVERSTONE NETWORKS, INC., a  
 Delaware corporation.

21 Nominal Defendant.

Case No. C-03-0637 SBA

**CERTIFICATE OF SERVICE**

Judge: Hon. Sandra Brown Armstrong

22 I am a citizen of the United States and a resident of the State of California. I am  
 23 employed in Santa Clara County, State of California, in the office of a member of the bar of this  
 24 Court, at whose direction the service was made. I am over the age of eighteen years, and not a  
 25 party to the within action. My business address is Cooley Godward LLP, Five Palo Alto Square,  
 26 3000 El Camino Real, Palo Alto, California 94306-2155. On the date set forth below I served  
 27 the documents described below in the manner described below:  
 28

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

- 1) **DEFENDANT JOHN KERN'S NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S VERIFIED FIRST AMENDED SHAREHOLDER DERIVATIVE COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES; AND REQUEST FOR JUDICIAL NOTICE;**
- 2) **DEFENDANT JOHN KERN'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF HIS MOTION TO DISMISS PLAINTIFF'S VERIFIED FIRST AMENDED SHAREHOLDER DERIVATIVE COMPLAINT;**
- 3) **DECLARATION OF GRANT FONDO IN SUPPORT OF DEFENDANT JOHN KERN'S REQUEST FOR JUDICIAL NOTICE; AND**
- 4) **[PROPOSED] ORDER GRANTING DEFENDANT JOHN KERN'S MOTION TO DISMISS PLAINTIFF'S VERIFIED FIRST AMENDED SHAREHOLDER DERIVATIVE COMPLAINT AND REQUEST FOR JUDICIAL NOTICE**

I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery on the following part(ies) in this action:

Eric J. Belfi, Esq.  
 Rabin Murray & Frank LLP  
 275 Madison Avenue  
 34th Floor  
 New York, NY 10016  
 FACSIMILE NO.: (212) 682-1892

John G. Emerson, Jr., Esq.  
 Scott E. Poynter, Esq.  
 Emerson Poynter LLP  
 P.O. Box 164810  
 Little Rock, AR 72216-4810  
 FACSIMILE NO.: (501) 907-2556

Robert Scott Dreher, Esq.  
 835 Fifth Avenue  
 Suite 202  
 San Diego, CA 92101  
 FACSIMILE NO.: (619) 687-0136

Craig Martin, Esq.  
 Morrison & Foerster LLP  
 425 Market Street  
 San Francisco, CA 94105  
 FACSIMILE NO.: (415) 268-7522

Executed on March 26, 2004, at Palo Alto, California.

\_\_\_\_\_/s/  
 Jocelyn McIntosh