

1 ABRAHAM, FRUCHTER
 & TWERSKY, LLP
 2 IAN D. BERG (Bar No. 263586)
 TAKEO A. KELLAR (Bar No. 234470)
 3 12526 High Bluff Drive, Suite 300
 San Diego, CA 92130
 4 Tel: (858) 792-3448
 Fax: (858) 792-3449
 5 *iberg@aflaw.com*
tkellar@aflaw.com

6
 7 *Lead Counsel and Counsel For Lead Plaintiff*
for Oklahoma Firefighters Pension and
Retirement System
 8

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 In re FINISAR CORPORATION
 14 SECURITIES LITIGATION

Case No. 11-CV-01252-EJD

Class Action

15 **STIPULATION AND [PROPOSED]**
 16 **ORDER REGARDING REVISED**
 17 **SCHEDULING OF**
 18 **CONSOLIDATED COMPLAINT**

1 Lead Plaintiff Oklahoma Firefighters Pension and Retirement System (“Lead Plaintiff”)
2 and Defendants Finisar Corp., Jerry S. Rawls, Eitan Gertel, and Kurt Adzema (collectively,
3 “Defendants”) hereby stipulate as follows:

4 WHEREAS, on November 2, 2011, the Lead Plaintiff and Defendants submitted to the
5 Court a Stipulation and [Proposed] Order setting forth a schedule for the timing of a consolidated
6 complaint and motion to dismiss;

7 WHEREAS, on November 7, 2011, the Court entered an Order accepting the proposed
8 schedule as follows: Lead Plaintiff shall file a consolidated complaint before January 13, 2012;
9 Defendants shall move to dismiss the consolidated complaint on or before March 13, 2012; Lead
10 Plaintiff shall file its opposition to the motion to dismiss on or before April 16, 2012; Defendants
11 shall file their reply in support of the motion to dismiss on or before May 11, 2012; and the
12 Hearing date on the motion to dismiss the consolidated complaint is set for June 1, 2012, at 9:00
13 a.m., with a Case Management Conference to be held on the same day;

14 WHEREAS, Lead Plaintiff is experiencing an unexpected delay in the course of its
15 investigation, which includes an investigation being conducted in the People’s Republic of
16 China; and

17 WHEREAS, Lead Plaintiff believes, and Defendants do not object, that it would be in the
18 best interests of efficiency and Judicial economy to delay slightly the time for Lead Plaintiff to
19 file a consolidated complaint, and to adjust the motion to dismiss briefing schedule without
20 causing undue delay in the Hearing of the motion by the Court,

21 IT IS HEREBY STIPULATED THAT:

22 1. The time for Lead Plaintiff to file a consolidated complaint shall be extended
23 from January 13, 2012 to **January 20, 2012**.

24 3. The time for Defendants to move to dismiss the consolidated complaint shall be
25 extended from March 13, 2012 to **March 16, 2012**, with the motion noticed for a hearing date on
26 **June 1, 2012**, at 9:00 a.m., as previously ordered by the Court.

27 4. Lead Plaintiff shall file its opposition to the motion to dismiss on or before **April**
28 **16, 2012**, as previously ordered by the Court.

1 5. Defendants shall file their reply in support of the motion to dismiss on or before
2 **May 11, 2012**, as previously ordered by the Court.

3 6. The Case Management Conference will remain set for **June 1, 2012**, and a Joint
4 Case Management Conference Statement shall be filed on or before **May 25, 2012**, both as
5 previously set by the Court.

6 Respectfully submitted,

7
8 January 5, 2012

ABRAHAM, FRUCHER & TWERSKY, LLP
Ian D. Berg (Bar No. 263586)
Takeo A. Kellar (Bar No. 234470)
12526 High Bluff Drive, Suite 300
San Diego, CA 92130

Mitchell M.Z. Twersky
One Penn Plaza, Suite 2805
New York, NY 10119

9
10
11
12
13 By: /s/ Ian D. Berg
Attorneys for Lead Plaintiff OKLAHOMA
14 FIREFIGHTERS PENSION AND RETIREMENT
SYSTEM

15 January 5, 2012

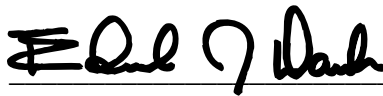
DLA PIPER LLP (US)

16
17
18 By: /s/ David Priebe
Attorneys for Defendants FINISAR
CORPORATION, JERRY S. RAWLS, EITAN
19 GERTEL, and KURT ADZEMA

20 **ORDER**

21 Pursuant to stipulation, IT IS SO ORDERED.

22
23 Dated: January 6, 2012



24 EDWARD J. DAVILA

25 United States District Judge
26
27
28

1 ATTESTATION OF AUTHORIZATION FOR ELECTRONIC FILING

2 I, Ian D. Berg, am the ECF User whose ID and password are being used to file this
3 STIPULATION AND [PROPOSED] ORDER REGARDING REVISED SCHEDULING OF
4 CONSOLIDATED COMPLAINT. In compliance with General Order 45, X.B., I hereby attest
5 that David Priebe has concurred in this filing.

6
7 /s/ Ian D. Berg

8 Ian D. Berg
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28