

1 SHIRLI FABBRI WEISS (Bar No. 079225)
shirli.weiss@dlapiper.com
 2 DAVID PRIEBE (Bar No. 148679)
david.priebe@dlapiper.com
 3 ROY K. McDONALD (CA Bar No. 193691)
roy.mcdonald@dlapiper.com
 4 RAJIV DHARNIDHARKA (Bar No. 234756)
rajiv.dharnidharka@dlapiper.com
 5 **DLA PIPER LLP (US)**
 6 2000 University Avenue
 7 East Palo Alto, CA 94303-2248
 8 Tel: (650) 833-2000
 Fax: (650) 833-2001

9 Attorneys for Defendants FINISAR
 10 CORPORATION, JERRY S. RAWLS, EITAN
 11 GERTEL, and KURT ADZEMA

12 [Additional Counsel On Signature Page]

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 In re FINISAR CORPORATION
 17 SECURITIES LITIGATION

Case No. CV 11-1252 EJD HRL
Class Action

**STIPULATION AND ~~PROPOSED~~ ORDER
 REGARDING SCHEDULING**

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

4 WHEREAS, on January 16, 2013, the Court granted Defendants’ motion to dismiss Lead
5 Plaintiff’s Consolidated Complaint with leave to amend by February 6, 2013, and set a Case
6 Management Conference for March 8, 2013; and,

7 WHEREAS, on February 6, 2013, Lead Plaintiff filed its First Amended Complaint; and,

8 WHEREAS, on February 20, 2013, Defendants filed a Motion to Dismiss the First
9 Amended Complaint; and,

10 WHEREAS, Defendants noticed the hearing of the Motion to Dismiss for June 28, 2013,
11 the earliest available hearing date; and,

12 WHEREAS, the parties believe that it would conserve the resources of the parties and the
13 Court to hold the Case Management Conference on the same date as the Motion to Dismiss
14 hearing, as the parties’ litigation activity between now and that date will be focused on
15 completing the briefing of that motion; and,

16 WHEREAS, as this is a securities case subject to the Private Securities Litigation Reform
17 Act, due to the relative complexity of the issues in the Motion to Dismiss, it would be appropriate
18 to allow a brief amount of additional time for the completion of the briefing of the motion, in
19 addition to the time periods prescribed by the Local Rules of the Northern District of California;
20 and,

21 WHEREAS, the proposed extension of the briefing schedule would still result in the
22 completion of briefing well in advance of the Motion to Dismiss hearing;

23 IT IS HEREBY STIPULATED THAT:

24 1. Lead Plaintiff shall file its opposition to the motion to dismiss on or before **March**
25 **20, 2013**.

26 2. Defendants shall file their reply in support of the motion to dismiss on or before
27 **April 3, 2012**.

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

ATTESTATION OF AUTHORIZATION FOR ELECTRONIC FILING

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

February 26, 2013

/s/ David Priebe