UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

OLGA RATINOVA, derivatively on behalf of JUNIPER NETWORKS, INC.

Plaintiff,

v.

KEVIN JOHNSON, et al.,

Defendants.

and

JUNIPER NETWORKS, INC.,

Nominal Defendant.

LISA E. COPPOLA, IRA, derivatively on behalf of JUNIPER NETWORKS, INC.

Plaintiff,

v.

KEVIN JOHNSON, et al.,

Defendants.

and

JUNIPER NETWORKS, INC.,

Nominal Defendant.

Case No.: 11-cv-04792-LHK
Related Case No.: 11-cv-06667-LHK
Related Case No.: 11-cv-04003-LHK

ORDER PROPOSING A STAY OF PROCEEDINGS IN CONSOLIDATED DERIVATIVE ACTIONS

CITY OF ROYAL OAK RETIREMENT SYSTEM, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

v.

JUNIPER NETWORKS, INC., KEVIN R. JOHNSON, ROBYN M. DENHOLM, and SCOTT G. KRIENS,

Defendants.

In the Joint Case Management Statement, Plaintiff Olga Ratinova requested a stay of her derivative action until "a decision on the anticipated motion to dismiss the Class Action" in *City of Royal Oak Retirement System v. Juniper Networks, et al*., Case No. 11-CV-04003-LHK. ECF No. 32 at 7. At the January 12, 2012 Initial Case Management Conference, Plaintiff Olga Ratinova further clarified that her derivative action should be stayed until Plaintiff City of Royal Oak Retirement System survived a motion to dismiss. There may be multiple rounds of motions to dismiss. At the January 12, 2012 Initial Case Management Conference, the Court denied the stay request, ordered the filing of an amended complaint, and set a briefing schedule for a motion to dismiss Plaintiff Olga Ratinova's derivative action, which was expected to be consolidated with related derivative action, *Coppola v. Johnson*, Case No. 11CV-06667-HRL.

Having considered Plaintiff Olga Ratinova's January 13, 2012 Opposition to, and Defendants' January 20, 2012 Reply in Support of, Defendants' Motion to Proceed in One Forum, the Court is inclined to grant a motion to stay the *Ratinova* action, which now has been consolidated with the related *Coppola* derivative action, until Plaintiff City of Royal Oak Retirement System survives a motion to dismiss. This would necessarily vacate Plaintiffs' deadline to amend the complaint and the motion to dismiss briefing schedule. Accordingly, the Court proposes that the parties so stipulate and that Defendants withdraw their Motion to Proceed in One Forum. Absent such a stipulation, the deadlines set forth in the January 12, 2012 Case Management Order remain in effect. *See* ECF No. 37. The parties are ordered to file a joint status

report setting forth their positions on the Court's proposal by 5:00 p.m. on Friday, February 3, 2012.

IT IS SO ORDERED.

Dated: January 30, 2012

LUCY H. KOH
United States District Judge