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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH RODRIGUEZ, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

GIGAMON INC., PAUL A. HOOPER,
MICHAEL J. BURNS, and REX S.
JACKSON,

Defendants

No. 5:17-cv-00434-EJD

Hon. Edward J. Davila

~~PROPOSED~~ ORDER GRANTING
SHARYN MCGOWAN, KRELING &
COMPANY I401K PLAN, MATTHEW
KRELING, AND RICARDO SALINAS’
MOTION FOR APPOINTMENT AS
LEAD PLAINTIFF, AND APPROVAL
OF LEAD COUNSEL Docket No. 22

Date: August 3, 2017
Time: 9:00 a.m.
Courtroom: 1, 4th Floor

Having considered the papers filed in support of the Motion of class members Sharyn McGowan, Kreling & Company I401k Plan, Matthew Kreling, and Ricardo Salinas (“Movant” or the “McGowan, Kreling, and Salinas Group”) for Appointment as Lead Plaintiff, and Approval of Lead Counsel pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4(a)(3)(B), and for good cause shown, the Court hereby enters the following Order:

I. APPOINTMENT OF CO-LEAD PLAINTIFFS AND LEAD COUNSEL

1 4. Movants have moved this Court to be appointed as Co-Lead Plaintiffs in the
2 Action and to approve the counsel they retained to be Lead Counsel.

3 5. Having considered the provisions of Section 21D(a)(3)(B) of the PSLRA, 15
4 U.S.C. § 78u-4(a)(3)(B), the Court hereby determines that Movants are the most adequate lead
5 plaintiffs and satisfy the requirements of the PSLRA. The Court hereby appoints Movants as
6 Co-Lead Plaintiffs to represent the interests of the class.

7 6. Pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, 15 U.S.C. § 78u-
8 4(a)(3)(B)(v), Movants have selected and retained the law firm Levi & Korsinsky LLP to serve
9 as Lead Counsel and Brower Piven, A Professional Corporation as Additional Counsel. The
10 Court approves Movants' selection of Counsel for the Action.

11 7. Lead Counsel shall have the following responsibilities and duties, to be carried
12 out either personally or through counsel whom Lead Counsel shall designate:

- 13 a. to coordinate the briefing and argument of any and all motions;
- 14 b. to coordinate the conduct of any and all discovery proceedings;
- 15 c. to coordinate the examination of any and all witnesses in depositions;
- 16 d. to coordinate the selection of counsel to act as spokesperson at all pretrial
17 conferences;
- 18 e. to call meetings of the plaintiffs' counsel as they deem necessary and
19 appropriate from time to time;
- 20 f. to coordinate all settlement negotiations with counsel for defendants;
- 21 g. to coordinate and direct the pretrial discovery proceedings and the
22 preparation for trial and the trial of this matter, and to delegate work responsibilities to selected
23 counsel as may be required;
- 24 h. to coordinate the preparation and filings of all pleadings; and
- 25 i. to supervise all other matters concerning the prosecution or resolution of
26 the claims asserted in the Action.
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1 8. No motion, discovery request, or other pretrial proceedings shall be initiated or
2 filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative
3 pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the
4 approval of the Lead Counsel.

5 9. Service upon any plaintiff of all pleadings, motions, or other papers in the
6 Action, except those specifically addressed to a plaintiff other than Co-Lead Plaintiffs, shall be
7 completed upon service of Lead Counsel.

8 10. Lead Counsel shall be the contact between plaintiffs' counsel and defendants'
9 counsel, as well as the spokespersons for all plaintiffs' counsel, and shall direct and coordinate
10 the activities of plaintiffs' counsel. Lead Counsel shall be the contact between the Court and
11 plaintiffs and their counsel.

12 **II. NEWLY FILED OR TRANSFERRED ACTIONS**

13 11. When a case that arises out of the subject matter of this action is hereinafter filed
14 in this Court or transferred from another Court, the Clerk of this Court shall:

- 15 a. file a copy of this Order in the separate file for such action;
16 b. deliver a copy of this Order to the attorneys for the plaintiff(s) in the
17 newly filed or transferred case and to any new defendant(s) in the newly filed or transferred
18 case; and
19 c. make the appropriate entry on the docket for this action.

20 12. Each new case that arises out of the subject matter of the action that is filed in
21 this Court or transferred to this Court shall be consolidated with the Action and this Order shall
22 apply thereto, unless a party objecting to this Order or any provision of this Order shall, within
23 ten (10) days after the date upon which a copy of this Order is served on counsel for such party,
24 file an application for relief from this Order or any provision herein and this Court deems it
25 appropriate to grant such application.

26 13. During the pendency of this litigation, or until further order of this Court, the
27 parties shall take reasonable steps to preserve all documents within their possession, custody or
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1 control, including computer-generated and stored information and materials such as
2 computerized data and electronic mail, containing information that is relevant to or which may
3 lead to the discovery of information relevant to the subject matter of the pending litigation.

4 IT IS SO ORDERED. The competing motions for appointment of lead plaintiff and approval
5 DATED: July 26, 2017 of lead counsel, Docket Nos. 26, 35, are DENIED.

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8 HONORABLE EDWARD J. DAVILA
9 UNITED STATES DISTRICT JUDGE

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