

COPY

1 Samuel D. Heins (*pro hac vice* pending) (sheins@heinsmills.com)
 2 Stacey L. Mills (SBN: 109644) (smills@heinsmills.com)
 3 Bryan L. Crawford (*pro hac vice* pending) (bcrawford@heinsmills.com)
 4 Brian L. Williams (*pro hac vice* pending) (bwilliams@heinsmills.com)
 5 **HEINS MILLS & OLSON, P.L.C.**
 6 3550 IDS Center
 7 80 South Eighth Street
 8 Minneapolis, MN 55402
 9 Telephone: (612) 338-4605
 Facsimile: (612) 338-4692

Marc M. Seltzer (SBN: 54534) (mseltzer@susmangodfrey.com)
SUSMAN GODREY L.L.P.
 1901 Avenue of the Stars, Suite 950
 Los Angeles, CA 90067-6029
 Telephone: (310) 789-3100
 Facsimile: (310) 789-3150

Attorneys for Plaintiffs in
Minnesota Bakers Union Pension Fund, et al.,
v. Broadcom Corporation, et al.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

SONAM BAKSHI, Individually, and on
 Behalf of All Others Similarly Situated,

Plaintiff,

vs.

HENRY SAMUELI, SCOTT A.
 MCGREGOR, WILLIAM J. RUEHLE,
 BRUCE E. KIDDOO, AND BROADCOM
 CORPORATION

Defendants.

Case No. 2:06-CV-05036-R-CW

**[PROPOSED] ORDER
 CONSOLIDATING RELATED
 ACTIONS, APPOINTING
 LEAD PLAINTIFFS, AND
 APPROVING SELECTION OF
 LEAD COUNSEL**

DATE: November 6, 2006
TIME: ~~10:00 a.m.~~ 1:30 pm
PACE: Courtroom 89B

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

Case No. SA-06-970 CJC (ANX)

MINNESOTA BAKERS UNION
PENSION FUND, TWIN CITIES
BAKERY DRIVERS PENSION FUND,
AND BAKERS LOCAL NO. 433
PENSION FUND, Individually, and on
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

BROADCOM CORPORATION, HENRY
SAMUELI, SCOTT A. MCGREGOR,
WILLIAM J. RUEHLE, AND BRUCE E.
KIDDOO,

Defendants.

Having considered the competing motions for consolidation of related actions, appointment of lead plaintiff, and approval of lead counsel, the Court hereby ORDERS as follows:

I. CONSOLIDATION

1. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the following actions are hereby consolidated for all purposes into one action:

<u>ABBREV. CASE NAME</u>	<u>CASE NO.</u>	<u>DATE FILED</u>
<u>Bakshi v. Samuelli, et al.</u>	2:06-CV-05036-R-CW	8/11/2006
<u>Minnesota Bakers Union Pension Fund, et al. v. Broadcom Corp., et al.</u>	<u>SA-06-970 CJC (ANX)</u>	10/12/2006

2. These actions shall be referred to herein as the "Consolidated Actions." This Order shall apply to the Consolidated Actions and to each case that is subsequently filed in this Court or transferred to this Court that relates to the same subject matter as in the Consolidated Actions.

1 **III. NEWLY-FILED OR TRANSFERRED ACTIONS**

2 6. When a case that arises out of the subject matter of this action is
3 hereinafter filed in this Court or transferred to this Court from another court, the
4 Clerk of this Court shall:

- 5 a. file a copy of this Order in the separate file for such action;
6 b. mail a copy of this Order to the attorneys for the plaintiff(s) in the
7 newly filed or transferred case and to any new defendant(s) in the
8 newly filed or transferred case; and
9 c. make the appropriate entry in the docket for this action.

10 7. Each new case arising out of the subject matter of this Consolidated
11 Action that is filed in this Court or transferred to this Court shall be consolidated
12 with this action and this Order shall apply thereto, unless a party objecting to this
13 Order or any provision of this Order shall, within ten (10) days after the date upon
14 which a copy of this Order is served on counsel for such party, files an application
15 for relief from this Order or any provision herein and this Court deems it
16 appropriate to grant such application.

17 **IV. APPOINTMENT OF LEAD PLAINTIFFS, LEAD COUNSEL, AND**
18 **LIAISON COUNSEL**

19 8. Plaintiffs Minnesota Bakers Union Pension Fund, Twin Cities Bakery
20 Drivers Pension Fund, and Bakers Local No. 433 Pension Fund are appointed Lead
21 Plaintiffs. Lead Plaintiffs satisfy the requirements for lead plaintiff pursuant to
22 Section 21D(a)(3)(B)(iii) of the Private Securities Litigation Reform Act
23 (“PSLRA”).

24 9. Lead Plaintiffs, pursuant to Section 21D(a)(3)(B)(v) of the PSLRA,
25 have selected and retained the law firm of Heins Mills & Olson, P.L.C. to serve as
26 their Lead Counsel in this consolidated action, and Susman Godfrey L.L.P. as
27 Liaison Counsel. The Court approves the selections of Lead Plaintiffs’ Lead and
28 Liaison Counsel.

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

10. Plaintiffs' Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- (a) to coordinate the briefing and argument of motions;
- (b) to coordinate the conduct of discovery proceedings;
- (c) to coordinate the examination of witnesses in depositions;
- (d) to coordinate the selection of counsel to act as spokesperson at pretrial conferences;
- (e) to call meetings of plaintiffs' counsel as they deem necessary and appropriate from time to time;
- (f) to coordinate all settlement negotiations with counsel for defendants;
- (g) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- (h) to supervise any other matters concerning the prosecution, resolution or settlement of the Consolidated Action.

11. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Lead Counsel.

12. Counsel in any related action that is consolidated with the Consolidated Action shall be bound by this organization of plaintiffs' counsel.

13. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices.

14. Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel, as well as the spokesperson for plaintiffs' counsel, and shall

1 direct and coordinate the activities of plaintiffs' counsel.

2 15. Defendants shall effect service of papers on plaintiffs by serving a
3 copy of same on Lead and Liaison Counsel by overnight mail service, electronic or
4 hand delivery. Plaintiffs shall effect service of papers on Defendants by serving a
5 copy of same on Defendants' counsel by overnight mail service, electronic or hand
6 delivery.

7 16. During the pendency of this litigation, or until further order of this
8 Court, the parties shall take reasonable steps to preserve all documents within their
9 possession, custody, or control, including computer-generated and stored
10 information, and materials such as computerized data and electronic mail,
11 containing information which is relevant to the subject matter of the pending
12 litigation.

13 **IT IS SO ORDERED.**

14 Dated: _____, 2006

15 _____
16 The Honorable Manuel Real
17 United States District Court Judge
18 Central District of California

19 Submitted by:

20 Samuel D. Heins
21 Stacey L. Mills
22 Bryan L. Crawford
23 Brian L. Williams
24 **HEINS MILLS & OLSON, P.L.C.**
25 3550 IDS Center
26 80 South Eighth Street
27 Minneapolis, MN 55402

28 Marc M. Seltzer
SUSMAN GODREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150

By: Marc M. Seltzer
Marc M. Seltzer

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am employed in the County of Los Angeles, State of California. I am over
4 the age of 18 and not a party to the within action; my business address is 1901
Avenue of the Stars, Suite 950, Los Angeles, California 90067-6029.

5 On October 12, 2006, I served the foregoing document(s) described as
6 follows:

7 **[PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS, APPOINTING LEAD
8 PLAINTIFFS, AND APPROVING SELECTION OF LEAD COUNSEL**

9 on the interested parties in this action by placing true copies thereof enclosed in
10 sealed envelopes addressed as stated on the attached service list, as follows:

11 BY MAIL: I am "readily familiar" with the firm's practice of collection and
12 processing correspondence for mailing. Under that practice, it would be
13 deposited with the U.S. Postal Service on that same day with postage thereon
14 fully prepaid at Los Angeles, California in the ordinary course of business. I
15 am aware that on motion of the party served, service is presumed invalid if
16 postal cancellation date or postage meter date is more than one day after date
17 of deposit for mailing in affidavit.

18 XX BY PERSONAL SERVICE:

19 I caused to be delivered such envelope by hand to the offices of the
20 addressee.

21 XX BY FEDERAL EXPRESS OR OVERNIGHT COURIER

22 BY TELECOPIER

23 I served by facsimile as indicated on the attached service list.

24 BY ELECTRONIC MAIL

25 I caused said documents to be prepared in portable document format (PDF)
26 for e-mailing and served by electronic mail as indicated on the attached
27 service list.

28 Executed on October 12, 2006, at Los Angeles, California

XX (Federal) I declare that I am employed in the office of a member of the bar
of this Court at whose direction the service was made.

Helen Danielson
(Type or Print Name)


(Signature)

SERVICE LIST

Counsel for Plaintiff Sonam Bakshi

John R. Climaco
Scott D. Simpkins
Climaco Lefkowitz Peca Wilcox & Garofoli
Co., LPA
1220 Huron Road, Suite 1000
Cleveland, OH 44115
216-621-8484
Fax: 216-771-1632
[jrclim@climacolaw.com](mailto:jrcлим@climacolaw.com)
sdsimp@climacolaw.com

Juden Justice Reed
Peter E. Borkon
Robert C. Schubert
Willem F. Jonckheer
Schubert & Reed, LLP
Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
415-788-4220
Fax: 415-788-0161
pborkon@schubert-reed.com

Lewis Kahn
Michael A. Swick
Kahn Gauthier Swick, LLC
650 Poydras Street, Suite 2150
New Orleans, LA 70130
504-455-1400
lewis.kahn@kgs.com

Michael D. Braun
Braun Law Group, P.C.
12400 Wilshire Boulevard, Suite 920
Los Angeles, CA 90025
310-442-7755
Fax: 310-442-7756
service@braunlawgroup.com

Counsel for Defendants Broadcom Corporation, Henry Samuelli, Scott A. McGregor, and Bruce E. Kiddoo

Daniel P. Lefler
David Siegel
Stephen S. Hasegawa
Irell & Manella, LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276
310-277-1010
Fax: 310-203-7199
dlefler@irell.com
shasegawa@irell.com

Layn R. Phillips
Irell & Manella, LLP
840 Newport Center Drive, Suite 400
Newport Beach, CA 92660-6324
949-760-0991
Fax: 949-760-5200
lphillips@irell.com

Counsel for Defendant William J. Ruehie

Jerome F. Birn, Jr.
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304
650-493-9300
Fax: 650-493-6811