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5 Attorneys for Furkan M. Khan,  
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7 [Additional Counsel on Signature Page]

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 AMNON MEIR, On Behalf of Himself and  
11 All Others Similarly Situated,

12 Plaintiffs,

13 v.

14 ALVARION LTD., ZVI SLONIMSKY,  
DAFNA GRUBER and MEIR BAREL,

15 Defendants.

No. 3:07-cv-00374-JSW

JOINT SUBMISSION AND  
STIPULATION SEEKING  
APPOINTMENT OF FURKAN M.  
KHAN AND RAHUL SARAF AS  
CO-LEAD PLAINTIFFS

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18 Pursuant to this Court's Order dated September 20, 2007, movants Furkan  
19 M. Khan and Rahul Saraf hereby submit this Joint Submission and Stipulation  
20 Seeking Appointment of Furkan M. Khan and Rahul Saraf as co-Lead Plaintiffs,  
21 and the attached [Proposed] Order.

22 **Brief Relevant History**

23 On January 19, 2007, a class action complaint (Case No.  
24 3:07-cv-00374-JSW), was filed with the United States District Court for the  
25 Northern District of California by Amnon Meir, alleging violations of federal  
26 securities laws in connection with purchases of Alvarion Ltd. securities. Similar  
27 complaints were filed in other courts and in other federal districts, and  
28 subsequently, the related cases were consolidated by this Court's Order dated

1 September 20, 2007.<sup>1</sup>

2 Pursuant to Section 21(D) of the Private Securities Litigation Reform Act of  
3 1995 (“PSLRA”), only three movants timely filed motions<sup>2</sup> to be appointed Lead  
4 Plaintiffs:

- 5 1. on April 9, 2007, movants Harel Insurance Company Ltd.<sup>3</sup> and Furkan  
6 M. Khan (previously, the “Harel Group”) timely filed a motion for  
7 their appointment as Lead Plaintiffs and approval of their choice of  
8 counsel, Glancy Binkow & Goldberg LLP and Law Office of Jacob  
9 Sabo as Co-Lead Counsel in the within case (Docket Nos. 17-20, 22);
- 10 2. on April 9, 2007, movant Rahul Saraf timely filed a motion for his  
11 appointment as Lead Plaintiff and approval of his choice of counsel,  
12 Federman & Sherwood as Lead Counsel and Green Welling LLP as  
13 Liaison Counsel (Docket Nos. 14-16, 30); and
- 14 3. on April 9, 2007, movants Irving Braun and Gary J. Fruchter  
15 (collectively, the “Braun Group”) timely filed a motion for their  
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17 <sup>1</sup>The three related cases titled *Meir v. Alvarion Ltd., et al.*, Case No. C 07-  
18 00374-JSW, *Hacker v. Alvarion Ltd., et al.*, Case No. C 07-00374-JSW, and  
19 *Braun v. Alvarion Ltd. et al.*, Case No. C 07-02602-JSW, were consolidated under  
20 the first-filed *Meir v. Alvarion Ltd., et al.* case by this Court’s Order dated  
September 20, 2007.

21 <sup>2</sup> The statute sets a deadline for filing motions to be appointed lead plaintiff  
22 as “not later than 60 days after the date on which the notice [of pendency of the  
23 class action] is published.” 15 U.S.C. § 78u-4(a)(3)(A). As set forth in Khan’s  
24 original moving papers, the applicable notice was published on February 6, 2007.  
25 Thus, the deadline for filing motions for appointment as lead plaintiff was April 9,  
2007.

26 <sup>3</sup> Harel Insurance Company, Ltd. has withdrawn its application for lead  
27 plaintiff in this action, while Furkan M. Khan continues to seek appointment as  
28 co-lead plaintiff. *See* Notice of Withdrawal (Docket No. 71; filed September 20,  
2007).

1 appointment as Lead Plaintiff and approval of their choice of counsel,  
2 Coughlin Stoia Geller Rudman & Robbins LLP as Lead Counsel  
3 (Docket Nos. 21, 23-26).

4 **Furkan M. Khan and Rahul Saraf Should Be Appointed Co-Lead Plaintiffs**

5 Furkan M. Khan and Rahul Saraf are the presumptive “most adequate  
6 plaintiffs” and should be appointed as co-Lead Plaintiffs.

7 As fully set forth in their original moving papers (hereby incorporated by  
8 reference), the Court is to presume that the “most adequate plaintiff” is the person  
9 or group of persons who, “in the determination of the court has the largest financial  
10 interest in the relief sought by the class.” As reflected in the original moving  
11 papers, the only other movant in this action seeking appointment as lead plaintiff is  
12 the Braun Group.

13 The losses sustained by Rahul Saraf alone dwarf the losses sustained by the  
14 entire Braun Group. Whereas Saraf individually sustained losses of \$94,649.25  
15 (*see* Saraf loss analysis, Declaration of Robert Green at Exhibit 2; Docket No. 30),  
16 the Braun Group only suffered losses of \$10,857 (*see* Braun Group certifications  
17 and Braun Group loss charts, Declaration of Tricia McCormick at Exhibits A & B;  
18 Docket No. 23).

19 Additionally, Furkan M. Khan individually sustained substantially more  
20 losses than the entire Braun Group, having lost \$34,808 (*see* Loss Charts,  
21 Declaration of Lionel Z. Glancy at Exhibit C; Docket No. 19). Khan and Saraf,  
22 individually *and* collectively, have suffered greater losses than the Braun Group.  
23 As such, they are the presumptive most adequate plaintiffs, and should be  
24 appointed as co-Lead Plaintiffs.<sup>4</sup>  
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27 <sup>4</sup> As Khan and Saraf have each, individually, suffered greater losses than  
28 the entire Braun Group, even considered individually (and not jointly), each would  
be presumptively more adequate to serve as lead plaintiff than the Braun Group.

1 Having suffered by far the largest losses, Saraf and Khan are the presumptive  
2 most adequate plaintiffs, and should therefore be appointed co-Lead Plaintiffs.

3 Thus, Saraf and Khan stipulate as follows:

4 WHEREAS, the Court is to presume that the “most adequate plaintiff” is the  
5 person or group of persons who, “in the determination of the court has the largest  
6 financial interest in the relief sought by the class”;

7 WHEREAS, pursuant to the PSLRA, Lead Plaintiffs are vested with  
8 authority to select and retain Lead Counsel, subject to court approval;

9 WHEREAS, movants Furkan M. Khan and Rahul Saraf have agreed to serve  
10 as co-Lead Plaintiffs;

11 WHEREAS, movants Furkan M. Khan and Rahul Saraf have collectively  
12 agreed to the selection of the law firms Glancy Binkow & Goldberg LLP, Law  
13 Office of Jacob Sabo, and Federman & Sherwood as co-Lead Counsel; and

14 WHEREAS, Rahul Saraf and Furkan M. Khan are presumptively the most  
15 adequate plaintiffs in this action, claiming losses of \$94,649.25 and \$34,808,  
16 respectively, which are considerably greater than the \$10,857 in losses claimed by  
17 the only other movant, the Braun Group;

18 IT IS HEREBY STIPULATED AND AGREED, by Furkan M. Khan and  
19 Rahul Saraf, through their undersigned counsel, as follows:

- 20 1. Movants Furkan M. Khan and Rahul Saraf hereby renew their motions for  
21 appointment as lead plaintiff, incorporating by reference their original  
22 moving papers;
- 23 2. Furkan M. Khan and Rahul Saraf now jointly seek appointment as co-Lead  
24 Plaintiffs in this action pursuant to § 21D(a)(3)(B) of the Securities  
25 Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B); and
- 26 3. Furkan M. Khan and Rahul Saraf now jointly seek approval of their choice  
27 of counsel, Glancy Binkow & Goldberg LLP, Law Office of Jacob Sabo, and  
28

1 Federman & Sherwood, as co-Lead Counsel pursuant to § 21D(a)(3)(B)(v)  
2 of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B)(v).

3 Respectfully submitted,

4  
5 Dated: October 12, 2007 GLANCY BINKOW & GOLDBERG LLP

6 By /s/ Lionel Z. Glancy  
7 Lionel Z. Glancy  
8 Andy Sohrn  
9 1801 Avenue of the Stars, Suite 311  
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13 THE LAW OFFICE OF JACOB SABO  
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16 15<sup>th</sup> Floor  
17 Tel Aviv, Israel 64731  
18 Telephone: 011 972 3 607 88 88  
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20 Attorneys for Furkan M. Khan  
21 and Proposed Co-Lead Counsel

22  
23 Dated: October 12, 2007 FEDERMAN & SHERWOOD

24  
25 By /s/ William B. Federman  
26 William B. Federman  
27 10205 N. Pennsylvania  
28 Oklahoma City, OK 73120  
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Facsimile: (405) 239-2112

Attorneys for Rahul Saraf and  
Proposed Co-Lead Counsel

1 I, Andy Sohrn, am the ECF user whose identification and password are being  
2 used to file the JOINT SUBMISSION AND STIPULATION SEEKING  
3 APPOINTMENT OF FURKAN M. KHAN AND RAHUL SARAF AS CO-LEAD  
4 PLAINTIFFS. In compliance with General Order 45.X.B, I hereby attest that both  
5 Lionel Z. Glancy and William B. Federman have concurred in this filing.

6  
7 Dated: October 12, 2007 GLANCY BINKOW & GOLDBERG LLP

8 By: /s/ Andy Sohrn  
9 Andy Sohrn

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**[PROPOSED] ORDER**

Having considered the moving papers and subsequent joint submission and stipulation of movants Furkan M. Khan and Rahul Saraf for appointment as Lead Plaintiffs and approval of their selection of co-Lead Counsel, and good cause appearing therefor,

**IT IS HEREBY ORDERED:**

1. This Order (the “Order”) shall apply to the above-captioned consolidated action (the “Action”).
2. Every pleading in the Action shall have the following caption:

IN RE ALVARION LTD. SECURITIES LITIGATION
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No. 3:07-cv-00374-JSW

3. Movants Furkan M. Khan and Rahul Saraf are appointed to serve as co-Lead Plaintiffs in the above-captioned consolidated actions, pursuant to 15 U.S.C. §78u-4(a)(3)(B).
4. The law firms Glancy Binkow & Goldberg LLP, The Law Office of Jacob Sabo, and Federman & Sherwood are hereby approved as co-Lead Counsel for the Class. Lead Counsel shall provide general supervision of the activities of plaintiff’s counsel and shall have the following responsibilities and duties to perform or delegate as appropriate:
  - a) to brief and argue motions;
  - b) to initiate and conduct discovery, including, without limitation, coordination of discovery with defendants’ counsel, preparation of written interrogatories, requests for admission and requests for production of documents;
  - c) to direct and coordinate the examination of witnesses in depositions;

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- d) to act as spokesperson at pretrial conferences;
- e) to call and chair meetings of plaintiffs' counsel as appropriate or necessary from time to time;
- f) to initiate and conduct any settlement negotiations with counsel for defendants;
- g) to provide general coordination of the activities of plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
- h) to consult and employ experts;
- i) to receive and review periodic time reports of all attorneys on behalf of plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs and to determine and distribute plaintiffs' attorneys' fees; and
- j) to perform such other duties as may be expressly authorized by further order of this Court.

5. An Amended Consolidated Complaint shall be filed by co-Lead Plaintiffs no later than sixty (60) days after the effective date of this Order.

Dated: October 30, 2007

  
HONORABLE JEFFREY S. WHITE  
United States District Court Judge