

1 Bingham McCutchen LLP
DONN P. PICKETT (SBN 72257)
2 donn.pickett@bingham.com
CHARLENE S. SHIMADA (SBN 91407)
3 charlene.shimada@bingham.com
JOHN D. PERNICK (SBN 155468)
4 john.pernick@bingham.com
ADRIENNE L. TACLAS (SBN 211232)
5 adrienne.taclas@bingham.com
Three Embarcadero Center
6 San Francisco, CA 94111-4067
Telephone: 415.393.2000
7 Facsimile: 415.393.2286

8 Attorneys for Defendants
Lehman Brothers Inc. and J.P. Morgan Securities Inc.
9 and Former Defendant Piper Jaffray & Co.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 In re SHORETEL, INC. SECURITIES
15 LITIGATION

Case No. 08-cv-00271 CRB

16 **STIPULATION AND [PROPOSED]
17 ORDER**
18

17 This Document Relates To:

18 ALL ACTIONS.
19

1 WHEREAS, on July 11, 2008, the Court entered a Stipulation and Order Setting
2 Briefing Schedule and Hearing on Defendants' Motions to Dismiss Consolidated Amended Class
3 Action Complaint ("July 11, 2008 Stipulation and Order ") that inadvertently identified Piper
4 Jaffray & Co. ("Piper ") as a defendant and required it to comply with certain briefing and
5 hearing deadlines for anticipated motions to dismiss;

6 WHEREAS, Plaintiffs did not name Piper as a defendant in their Consolidated
7 Amended Class Action Complaint for Violations of Federal Securities Laws (the "Consolidated
8 Complaint), filed on June 27, 2008, and Piper therefore is not party to this action;

9 **IT IS ACCORDINGLY STIPULATED**, by and between the undersigned
10 counsel, that the July 11, 2008 Stipulation and Order does not apply to Piper and Piper need not
11 comply with any of its provisions.

12 DATED: August 8, 2008

BINGHAM MCCUTCHEN LLP

13
14 By: /s/ Charlene S. Shimada
15 Charlene S. Shimada
16 Attorneys for Defendants
Lehman Brothers Inc. and J.P. Morgan Securities Inc.
and Former Defendant Piper Jaffray & Co.

17 DATED: August 8, 2008

FENWICK & WEST LLP

18
19 By: /s/ Jennifer L. Kelly
20 Jennifer L. Kelly
21 Attorneys for Defendants ShoreTel, Inc.; John W.
22 Combs; Michael E. Healy; Edwin J. Basart; Gary J.
23 Daichendt; Thomas Van Overbeek; Kenneth D.
Denman; Charles D. Kissner; and Edward F.
Thompson

24 DATED: August 8, 2008

KAHN GAUTHIER SWICK, LLC

25
26 By: /s/ Kim E. Miller
27 Kim E. Miller
28 Lead Counsel for Lead Plaintiffs and the Class

[PROPOSED] ORDER

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

IT IS SO ORDERED.

DATED: _____, 2008

By: _____
The Honorable Charles R. Breyer
United States District Court Judge

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Charlene S. Shimada, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of August, 2008, at San Francisco, California.

DATED: August 8, 2008

BINGHAM MCCUTCHEN LLP

By: /s/ Charlene S. Shimada
Charlene S. Shimada
Attorneys for Defendants
Lehman Brothers Inc. and J.P. Morgan Securities Inc.
and Former Defendant Piper Jaffray & Co.