

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re SiRF TECHNOLOGY HOLDINGS, INC.  
SECURITIES LITIGATION

Master File No. C 08-0856 MMC

**ORDER AFFORDING POLICE & FIRE  
RETIREMENT SYSTEM OF THE CITY  
OF DETROIT OPPORTUNITY TO FILE  
RESPONSE TO REPLY FILED BY IRON  
WORKERS AND WEISS; CONTINUING  
HEARING ON MOTIONS FOR  
APPOINTMENT OF LEAD PLAINTIFF**

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This Document Relates To:

All Actions

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Before the Court are nine motions, each filed April 8, 2008, and each seeking an order appointing the movant as lead plaintiff in the above-titled securities class action, pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(i). The nine moving parties are as follows:

(1) Police & Fire Retirement System of the City of Detroit (“PFRS”); (2) Iron Workers Local No. 25 Pension Fund and Kenneth L. Weiss (“Iron Workers/Weiss”); (3) Alex Meruelo (“Meruelo”); (4) City of Omaha, Nebraska Civilian Employees’ Retirement System and City of Omaha Police and Fire Retirement System (“the Omaha Funds”); (5) Matthew Delaney (“Delaney”); (6) Christopher Collins (“Collins”); (7) Alan Nussbaum (“Nussbaum”); (8) James Van Atten (“Van Atten”); and (9) Gary Mitchell Schorr Rev. Trust U/A DTD 3-20-98 (“Schorr”). PFRS, Iron Workers/Weiss, Meruelo, and the Omaha Funds have each filed opposition to competing motions, and each such party has filed a reply to the oppositions to

1 that party's motion.<sup>1</sup> Having reviewed the movants' submissions, the Court rules as  
2 follows.

3 In their respective oppositions, Iron Workers/Weiss, Meruelo, and the Omaha Funds  
4 each argue the Court should not appoint PFRS, the movant that has incurred the largest  
5 loss, in light of the provisions of 15 U.S.C. § 78u-4(a)(3)(B)(vi). See 15 U.S.C.  
6 § 78u-4(a)(3)(B)(vi) (providing that "[e]xcept as the court may otherwise permit, consistent  
7 with the purposes of this section [the PSLRA], a person may be a lead plaintiff . . . in no  
8 more than 5 securities class actions brought as plaintiff class actions pursuant to the  
9 Federal Rules of Civil Procedure during any 3-year period). In its reply, PFRS responds to  
10 such arguments.

11 In their reply, Iron Workers/Weiss, in addition to responding to the arguments made  
12 by competing movants in opposition to Iron Workers/Weiss's motion, raise new arguments,  
13 and submit evidence in support thereof, as to why PFRS should not be appointed lead  
14 plaintiff. Specifically, Iron Workers/Weiss argue (1) PFRS's current involvement in non-  
15 securities class action cases supports a finding it lacks the resources to adequately  
16 prosecute the instant case, and (2) PFRS made decisions to dismiss two prior securities  
17 class actions in which it had been appointed lead plaintiff, which decisions, in the view of  
18 Iron Workers/Weiss, were not in the best interests of the absent class members. (See Iron  
19 Workers/Weiss Reply, filed May 2, 2008, at 6:5-13:11.) Iron Workers/Weiss fail to state  
20 why they did not raise such arguments in their opposition to PFRS's motion, rather than  
21 raise them in a reply to which PFRS would have no opportunity to respond prior to the  
22 hearing. Because the appointment of lead counsel will affect a large number of absent  
23 class members, however, and given the nature of the arguments now being made by Iron  
24 Workers/Weiss, the Court finds it appropriate to continue the May 16, 2008 hearing and  
25 afford PFRS an opportunity to respond to the arguments newly-raised by Iron Workers/  
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27 <sup>1</sup>Movant Collins filed a statement of non-opposition to the appointment of a movant  
28 with higher losses than those alleged by Collins. Movants Delaney, Nussbaum, Van Atten,  
and Schorr have not filed any response to the motions filed by other movants.


1 Weiss.

2 Accordingly, PFRS may file a supplemental reply in response to the above-  
3 described arguments made by Iron Workers/Weiss, such supplemental reply to be filed no  
4 later than May 19, 2008 and to consist of no more than eight pages in length, exclusive of  
5 exhibits.

6 The hearing on the motions for appointment of lead counsel is hereby CONTINUED  
7 to May 30, 2008, at 9:00 a.m.

8 **IT IS SO ORDERED.**

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10 Dated: May 9, 2008

  
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MAXINE M. CHESNEY  
United States District Judge

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