

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

)	
KAREN DUTTON, Individually and On Behalf of)	
All Others Similarly Situated,)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	
vs.)	CLASS ACTION COMPLAINT
)	
HARRIS STRATEX NETWORKS, INC., GUY M.)	
CAMPBELL, HARALD J. BRAUN, SARAH A.)	<u>JURY TRIAL DEMANDED</u>
DUDASH, HOWARD L. LANCE and SCOTT T.)	
MIKUEN,)	
)	
Defendants.)	
)	

Plaintiff, Karen Dutton ("Plaintiff"), alleges the following based upon the investigation by Plaintiff's counsel, which included, among other things, a review of the defendants' public documents, conference calls and announcements made by defendants, United States Securities and Exchange Commission ("SEC") filings, wire and press releases published by and regarding Harris Stratex Networks, Inc. ("Harris Stratex" or the "Company"), securities analysts' reports and advisories about the Company, and information readily available on the Internet, and Plaintiff believes that substantial additional evidentiary support will exist for the allegations set forth herein after a reasonable opportunity for discovery.

NATURE OF THE ACTION AND OVERVIEW

1. This is a federal class action on behalf of purchasers of the securities of Harris Stratex, who purchased or otherwise acquired Harris Stratex securities between January 29, 2007 and July 30, 2008, inclusive (the "Class Period"), including shareholders of Stratex Networks, Inc. who exchanged shares of Stratex Networks, Inc. for shares of Harris Stratex pursuant or

traceable to the Company's Registration Statement and Prospectus (collectively referred to as the "Registration Statement") that became effective on January 8, 2007, seeking to pursue remedies under the Securities Act of 1933 (the "Securities Act") and the Securities Exchange Act of 1934 (the "Exchange Act").

2. Harris Stratex designs, manufactures, and sells a range of wireless networking products, solutions, and services to mobile and fixed telephone service providers, private network operators, government agencies, transportation and utility companies, public safety agencies, and broadcast system operators. The Company's products primarily comprise licensed point-to-point microwave radios. In addition, the company offers network management product families.

3. On July 30, 2008, the Company announced that it had discovered serious accounting errors which caused the reported financial statements for fiscal years 2005 through 2007 and the first three quarters of 2008 to be incorrect. The Company stated that these financial statements should no longer be relied upon, and that the Company would restate its financial statements for all of these periods. The Company further stated its belief that these errors were the result of one or more material weaknesses in its system of internal controls, and that the cumulative effect of these errors would decrease the Company's previously reported pre-tax income by between approximately \$18 million and \$25 million.

4. Upon the release of this news, shares of the Company's stock fell \$3.89 per share, or 34.61 percent, to close on July 31, 2008 at \$7.35 per share, on unusually heavy trading volume.

5. The Complaint alleges that, throughout the Class Period, defendants failed to disclose material adverse facts about the Company's financial well-being, business relationships,

and prospects. Specifically, defendants failed to disclose or indicate the following: (1) that the Company had understated its cost of sales; (2) that the Company had misstated its pre-tax income from 2005 through 2008; (3) that the Company's financial statements were not prepared in accordance with Generally Accepted Accounting Principles ("GAAP"); (4) that the Company lacked adequate internal and financial controls; (5) that the Company's financial statements were materially false and misleading at all relevant times; and (6) that the Company's Registration Statement was false and misleading at all relevant times.

6. As a result of defendants' wrongful acts and omissions, and the precipitous decline in the market value of the Company's securities, Plaintiff and other Class Members have suffered significant losses and damages.

JURISDICTION AND VENUE

7. The claims asserted herein arise under and pursuant to Sections 11, 12(a)(2), and 15 of the Securities Act (15 U.S.C. §§ 77k and 77o), and under and pursuant to Sections 10(b) and 20(a) of the Exchange Act, (15 U.S.C. §§ 78j(b) and 78t(a)), and Rule 10b-5 promulgated thereunder (17 C.F.R. § 240.10b-5).

8. This Court has jurisdiction over the subject matter of this action pursuant to Section 22 of the Securities Act (15 U.S.C. § 77v) and pursuant to Section 27 of the Exchange Act (15 U.S.C. § 78aa) and 28 U.S.C. § 1331.

9. Venue is proper in this Judicial District pursuant to Section 22 of the Securities Act and pursuant to Section 27 of the Exchange Act, 15 U.S.C. § 78aa and 28 U.S.C. § 1391(b) as Harris Stratex is incorporated in this Judicial District.

10. In connection with the acts, conduct and other wrongs alleged in this Complaint, defendants, directly or indirectly, used the means and instrumentalities of interstate commerce,

including but not limited to, the United States mails, interstate telephone communications and the facilities of the national securities exchange.

PARTIES

11. Plaintiff, Karen Dutton, as set forth in the accompanying certification, incorporated by reference herein, purchased Harris Stratex securities at artificially inflated prices during the Class Period and has been damaged thereby.

12. Defendant Harris Stratex is a Delaware corporation with its principal place of business located at 637 Davis Drive, Morrisville, North Carolina.

13. Defendant Guy M. Campbell ("Campbell") was, at relevant times, the Company's President and Chief Executive Officer ("CEO"), and a member of the Board of Directors. Additionally, Campbell was, at relevant times, President of Harris Corporation.

14. Defendant Harald J. Braun ("Braun") was, at relevant times, the Company's President and CEO.

15. Defendant Sarah A. "Sally" Dudash ("Dudash") was, at relevant times, the Company's Chief Financial Officer ("CFO") and Vice-President.

16. Defendant Howard L. Lance ("Lance") was, at all relevant times, a member of the Company's Board of Directors. Additionally, Defendant Lance was, at relevant times, President, CEO and Chairman of the Board of Directors of Harris Corporation.

17. Defendant Scott T. Mikuen ("Mikuen") was, at relevant times, the Company's Vice President, Associate General Counsel and Corporate Secretary.

18. Defendants Campbell, Braun, Dudash, Lance and Mikuen are collectively referred to hereinafter as the "Individual Defendants." The Individual Defendants, because of their positions with the Company, possessed the power and authority to control the contents of Harris

Stratex's reports to the SEC, press releases and presentations to securities analysts, money and portfolio managers and institutional investors, i.e., the market. Each defendant was provided with copies of the Company's reports and press releases alleged herein to be misleading prior to, or shortly after, their issuance and had the ability and opportunity to prevent their issuance or cause them to be corrected. Because of their positions and access to material non-public information available to them, each of these defendants knew that the adverse facts specified herein had not been disclosed to, and were being concealed from, the public, and that the positive representations which were being made were then materially false and misleading. The Individual Defendants are liable for the false statements pleaded herein, as those statements were each "group-published" information, the result of the collective actions of the Individual Defendants.

SUBSTANTIVE ALLEGATIONS

Background

19. Harris Stratex designs, manufactures, and sells a range of wireless networking products, solutions, and services to mobile and fixed telephone service providers, private network operators, government agencies, transportation and utility companies, public safety agencies, and broadcast system operators. The Company's products primarily comprise licensed point-to-point microwave radios. In addition, the company offers network management product families.

Materially False and Misleading Statements Made in the Registration Statement

20. The Class Period begins on January 29, 2007, when the Company's Registration Statement became effective.

21. Regarding the Company's operations of its Microwave Communications Division

for fiscal years ended June 30, 2006 and July 1, 2005, the Registration Statement, in relevant part, stated:

In fiscal year 2006, the operations of the Microwave Communications Division resulted in revenues of approximately \$357,500,000, total assets of approximately \$352,649,000 and a net loss of approximately \$35,848,000.

* * *

MCD's revenue for fiscal 2006 was \$357.5 million, an increase of 15.2% compared to fiscal 2005. Net loss for fiscal 2006 was \$35.8 million compared to fiscal 2005 net loss of \$3.8 million. [Emphasis added.]

**Materially False and Misleading
Statements Issued During the Class Period**

22. On January 30, 2007, the Company issued a press release entitled "Harris Stratex Networks Reports Financial Results." Therein, the Company, in relevant part, stated:

Harris Stratex Networks, Inc. (NASDAQ: HSTX), the leading independent supplier of turnkey wireless network solutions, today reported financial results for Stratex Networks, Inc. and for the Microwave Communications Division of Harris Corporation ("MCD") for the December 2006 quarter. The merger between MCD and Stratex Networks closed January 26, 2007.

The company has also provided pro-forma results for the first half of fiscal 2007 on a combined basis. The fiscal year for Harris Stratex Networks will end in June.

Total revenues for the quarter for Stratex Networks increased 27 percent to \$70.7 million compared with \$55.5 million for the same period a year ago. *For MCD total revenues for the quarter increased 14 percent to \$101.2 million compared with \$88.7 million for the same period last year.*

Net income in the December quarter of 2006 for Stratex, as reported in accordance with U.S. generally accepted accounting principles (GAAP), was \$3.8 million or earnings of \$0.04 per diluted share. This compares with net income of \$813,000 or earnings per share of \$0.01 in the year ago period. *GAAP net income for MCD in the December quarter was \$5.8 million,*

compared with a net loss of \$37.4 million in the year ago period.
[Emphasis added.]

23. On February 16, 2007, the Company filed its Quarterly Report with the SEC on Form 10-Q. The Company's Form 10-Q was signed by Defendant Dudash, and reaffirmed the Company's financial results previously announced on January 30, 2007.

24. The Company's Form 10-Q also contained Sarbanes-Oxley required certifications, signed by Defendants Campbell and Dundash, which stated:

I, [Guy M. Campbell/Sarah A. Dundash], certify that:

1. I have reviewed this Quarterly Report on Form 10-Q for the fiscal quarter ended December 29, 2006, of Harris Stratex Networks, Inc.;

2. Based on my knowledge, this report does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in light of the circumstances under which such statements were made, not misleading with respect to the period covered by this report;

3. Based on my knowledge, the financial statements, and other financial information included in this report, fairly present in all material respects the financial condition, results of operations and cash flows of the registrant as of, and for, the periods presented in this report;

4. The registrant's other certifying officer and I are responsible for establishing and maintaining disclosure controls and procedures (as defined in Exchange Act Rules 13a-15(e) and 15d-15(e)) for the registrant and have:

(a) Designed such disclosure controls and procedures, or caused such disclosure controls and procedures to be designed under our supervision, to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this report is being prepared;

(b) Evaluated the effectiveness of the registrant's disclosure controls and procedures and presented in this report our conclusions about the effectiveness of the disclosure

controls and procedures, as of the end of the period covered by this report based on such evaluation; and

(c) Disclosed in this report any change in the registrant's internal control over financial reporting that occurred during the registrant's most recent fiscal quarter (the registrant's fourth fiscal quarter in the case of an annual report) that has materially affected, or is reasonably likely to materially affect, the registrant's internal control over financial reporting; and

5. The registrant's other certifying officer and I have disclosed, based on our most recent evaluation of internal control over financial reporting, to the registrant's auditors and the audit committee of the registrant's board of directors (or persons performing the equivalent functions):

(a) All significant deficiencies and material weaknesses in the design or operation of internal control over financial reporting which are reasonably likely to adversely affect the registrant's ability to record, process, summarize and report financial information; and

(b) Any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal control over financial reporting.

* * *

In connection with the filing of the Quarterly Report on Form 10-Q of Harris Stratex Networks, Inc. ("Harris Stratex") for the fiscal quarter ended December 29, 2006, as filed with the Securities and Exchange Commission on the date hereof (the "Report"), the undersigned, Guy M. Campbell, President and Chief Executive Officer of Harris Stratex, hereby certifies, pursuant to Section 906 of the Sarbanes-Oxley Act of 2002, 18 U.S.C. §1350, that:

(1) The Report fully complies with the requirements of Section 13(a) or 15(d), as applicable, of the Securities Exchange Act of 1934, as amended; and

(2) The information contained in the Report fairly presents, in all material respects, the financial condition and results of operations of Harris Stratex

as of the dates and for the periods expressed in the Report.

25. On May 1, 2007, the Company issued a press release entitled "Harris Stratex Networks Reports Q3 Fiscal 2007 Financial Results." Therein, the Company, in relevant part, stated:

Harris Stratex Networks, Inc. (NASDAQ: HSTX), the leading independent supplier of turnkey wireless network solutions, today reported financial results for the third quarter of fiscal 2007, which ended March 30, 2007.

On January 26, 2007, the Harris Microwave Communications Division ("MCD") was combined with Stratex Networks ("Stratex") to create a new company – Harris Stratex Networks, Inc. The company's third quarter results exclude the January 2007 results of Stratex, which preceded the date of the merger.

Revenue for the third quarter of fiscal 2007 was \$139.0 million, compared with \$73.6 million for MCD in the third quarter of fiscal 2006. Net loss in the third quarter of fiscal 2007, as reported in accordance with U.S. generally accepted accounting principles (GAAP), was \$23.2 million, or \$0.58 per share, which includes \$28.9 million in pre-tax charges associated with the combination. [Emphasis added.]

26. On August 7, 2007, the Company issued a press release entitled "Harris Stratex Networks Reports Q4 and Year-End Fiscal 2007 Financial Results." Therein, the Company, in relevant part, stated:

Harris Stratex Networks, Inc. (NASDAQ: HSTX), the leading independent supplier of turnkey wireless network solutions, today reported financial results for the fourth quarter and full year of fiscal 2007, which ended June 29, 2007.

On January 26, 2007, the Harris Microwave Communications Division was combined with Stratex Networks, Inc. to create a new company – Harris Stratex Networks, Inc.

Revenue for the fourth quarter of fiscal 2007 was \$174.1 million. GAAP net loss was \$5.3 million or \$0.09 per share, which includes \$23.9 million in pre-tax charges associated with the

merger transaction, integration and stock compensation expense.
[Emphasis added.]

27. On August 27, 2007, Harris Stratex filed its Annual Report with the SEC on Form 10-K. The Company's Form 10-K was signed by Defendants Dudash, Campbell and Lance, and reaffirmed the Company's financial results previously announced on August 7, 2007. The Company's Form 10-K also contained Sarbanes-Oxley required certifications, substantially similar to the certifications contained in ¶ 24 *supra*.

28. On November 1, 2007 the Company issued a press release entitled "Harris Stratex Networks Reports Q1 Fiscal 2008 Financial Results." Therein, the Company, in relevant part, stated:

Harris Stratex Networks, Inc. (NASDAQ: HSTX), the leading independent supplier of turnkey wireless transmission solutions, today reported financial results for the first quarter of fiscal 2008, which ended September 28, 2007.

Revenue for the first quarter of fiscal 2008 was \$172.3 million. GAAP net loss was \$800,000 or \$0.01 per share, which includes \$14.3 million in pre-tax charges associated with the merger transaction, integration, and stock compensation expense.
[Emphasis added.]

29. On November 6, 2007, Harris Stratex filed its Quarterly Report with the SEC on Form 10-Q. The Company's Form 10-Q was signed by Defendant Dudash, and reaffirmed the Company's financial results previously announced on November 1, 2007. The Company's Form 10-Q also contained Sarbanes-Oxley required certifications, substantially similar to the certifications contained in ¶ 24, *supra*.

30. On January 30, 2008, the Company issued a press release entitled "Harris Stratex Networks Reports Q2 Fiscal 2008 Financial Results." Therein, the Company, in relevant part, stated:

Harris Stratex Networks, Inc. (NASDAQ: HSTX), the leading independent supplier of turnkey wireless transmission solutions, today reported financial results for the second quarter of fiscal 2008, which ended December 28, 2007.

Revenue for the second quarter of fiscal 2008 was \$181.1 million. GAAP net loss was \$1.0 million or \$0.02 per share, which includes \$17.6 million in pre-tax charges associated with the merger transaction, integration, asset impairment and stock compensation expense. [Emphasis added.]

31. On February 5, 2008, Harris Stratex filed its Quarterly Report with the SEC on Form 10-Q. The Company's Form 10-Q was signed by Defendant Dudash, and reaffirmed the Company's financial results previously announced on January 30, 2008. The Company's Form 10-Q also contained Sarbanes-Oxley required certifications, substantially similar to the certifications contained in ¶ 24, *supra*.

32. On April 29, 2008, the Company issued a press release entitled "Harris Stratex Networks Reports Q3 Fiscal 2008 Financial Results." Therein, the Company, in relevant part, stated:

Harris Stratex Networks, Inc. (NASDAQ: HSTX), the leading independent supplier of turnkey wireless transmission solutions, today reported financial results for the third quarter of fiscal 2008, which ended March 28, 2008.

Revenue for the third quarter of fiscal 2008 was \$178.2 million. GAAP net income was \$7.3 million or \$0.09 per diluted share, which includes \$7.3 million in pre-tax charges associated with the merger transaction, integration and stock compensation expense. [Emphasis added.]

33. On May 6, 2008, Harris Stratex filed its Quarterly Report with the SEC on Form 10-Q. The Company's Form 10-Q was signed by Defendant Dudash, and reaffirmed the Company's financial results previously announced on April 29, 2008. The Company's Form 10-Q also contained Sarbanes-Oxley required certifications, substantially similar to the certifications contained in ¶ 24, *supra*. The Sarbanes-Oxley certifications in the Company's May 6, 2008 10-Q

differed from those in ¶ 24 in that they were signed by Defendants Braun and Dudash, as opposed to Defendants Campbell and Dudash.

34. The statements contained in ¶¶ 21-33 were materially false and misleading when made because Defendants failed to disclose or indicate the following: (1) that the Company had understated its cost of sales; (2) that the Company had misstated its pre-tax income from 2005 through 2008; (3) that the Company's financial statements were not prepared in accordance with GAAP; (4) that the Company lacked adequate internal and financial controls; (5) that the Company's financial statements were materially false and misleading at all relevant times; and (6) that the Company's Registration Statement was false and misleading at all relevant times.

The Truth Begins to Emerge

35. On July 30, 2008, the Company issued a press release entitled "Harris Stratex Networks Provides Business Update." Therein, the Company, in relevant part, revealed:

Harris Stratex Networks, Inc. (NASDAQ: HSTX), the leading independent supplier of turnkey wireless network solutions, today provided a business update on selected unaudited GAAP financial results for the fourth quarter of fiscal year 2008, which ended June 27, 2008. *The company filed a report with the SEC on Form 8-K regarding management's determination that the company will need to restate prior period financial statements.* The company also announced that the earnings release for the fourth quarter of fiscal 2008 will be rescheduled.

* * *

Prior Period Restatement

During the course of the year-end close, accounting errors were identified by the company, which caused previously reported financial statements to be incorrect. The majority of the required adjustments related to project work-in-process accounts within the cost accounting system at one location. The total amount of these charges, which will reduce previously reported pre-tax income, is estimated to be in the range of \$18 million to \$25 million, and will affect the current and prior years. As a result, the company has determined that the financial statements for the

first three quarters of fiscal 2008 and the fiscal years 2005 - 2007 should no longer be relied upon. [Emphasis added.]

36. Also on July 30, 2008, the Company conducted an earnings conference call with analysts and investors. During the call, Defendant Dudash stated the following:

[Analyst]: Okay. And in terms of the buildup of \$18 million to \$25 million, is it--I mean, to get that big this had to take a while, right? So is it fair to assume that it happened reasonably linearly over the last almost four years?

[Dudash]: *Well, we are in the process of quantifying the impact by period and by year. I can say that this is a combination of process breakdowns and tool breakdowns happening at the same time within a very complex environment. And we had--we were--we had issues with identifying the costs as they closed out on projects, getting the projects closed in time, and having the financial controls to detect that these breakdowns were occurring in a timely fashion.* So that is what happened. We have got it identified. We have quantified it. We are going to correct it and move on. [Emphasis added.]

37. On this news, shares of the Company's stock fell \$3.89 per share, or 34.61 percent, to close on July 31, 2008 at \$7.35 per share, on unusually heavy trading volume.

**HARRIS STRATEX'S VIOLATION OF GAAP RULES
IN ITS FINANCIAL STATEMENTS
FILED WITH THE SEC**

38. These financial statements and the statements about the Company's financial results were false and misleading, as such financial information was not prepared in conformity with GAAP, nor was the financial information a fair presentation of the Company's operations due to the Company's improper accounting for, and disclosure about its revenues, in violation of GAAP rules.

39. GAAP are those principles recognized by the accounting profession as the conventions, rules and procedures necessary to define accepted accounting practice at a particular time. Regulation S-X (17 C.F.R. § 210.4 01(a) (1)) states that financial statements filed

with the SEC which are not prepared in compliance with GAAP are presumed to be misleading and inaccurate. Regulation S-X requires that interim financial statements must also comply with GAAP, with the exception that interim financial statements need not include disclosure which would be duplicative of disclosures accompanying annual financial statements. 17 C.F.R. § 210.10-01(a).

40. The fact that Harris Stratex will restate its financial statements, and disclosed that these financial statements should not be relied upon is an admission that they were false and misleading when originally issued (APB No.20, ¶¶7-13; SFAS No. 154, ¶25).

41. Given these accounting irregularities, the Company announced financial results that were in violation of GAAP and the following principles:

- (a) The principle that "interim financial reporting should be based upon the same accounting principles and practices used to prepare annual financial statements" was violated (APB No. 28, ¶10);
- (b) The principle that "financial reporting should provide information that is useful to present to potential investors and creditors and other users in making rational investment, credit, and similar decisions" was violated (FASB Statement of Concepts No. 1, ¶34);
- (c) The principle that "financial reporting should provide information about the economic resources of an enterprise, the claims to those resources, and effects of transactions, events, and circumstances that change resources and claims to those resources" was violated (FASB Statement of Concepts No. 1, ¶40);
- (d) The principle that "financial reporting should provide information about

an enterprise's financial performance during a period" was violated (FASB Statement of Concepts No. 1, ¶42);

- (e) The principle that "financial reporting should provide information about how management of an enterprise has discharged its stewardship responsibility to owners (stockholders) for the use of enterprise resources entrusted to it" was violated (FASB Statement of Concepts No. 1, ¶50);
- (f) The principle that "financial reporting should be reliable in that it represents what it purports to represent" was violated (FASB Statement of Concepts No. 2, ¶¶ 58-59);
- (g) The principle that "completeness, meaning that nothing is left out of the information that may be necessary to insure that it validly represents underlying events and conditions" was violated (FASB Statement of Concepts No. 2, ¶79); and
- (h) The principle that "conservatism be used as a prudent reaction to uncertainty to try to ensure that uncertainties and risks inherent in business situations are adequately considered" was violated (FASB Statement of Concepts No. 2, ¶95).

42. The adverse information concealed by Defendants during the Class Period and detailed above was in violation of Item 303 of Regulation S-K under the federal securities law (17 C.F.R. §229.303).

PLAINTIFF'S CLASS ACTION ALLEGATIONS

43. Plaintiff brings this action as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) on behalf of a Class, consisting of all those who purchased or

otherwise acquired Harris Stratex's securities between January 29, 2007 and July 30, 2008, including shareholders who exchanged shares of Stratex Networks, Inc. for shares of Harris Stratex pursuant to the Registration Statement that became effective on January 8, 2008, and who were damaged thereby (the "Class"). Excluded from the Class are defendants, the officers and directors of the Company, at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns and any entity in which defendants have or had a controlling interest.

44. The members of the Class are so numerous that joinder of all members is impracticable. Throughout the Class Period, Harris Stratex's securities were actively traded on the NASDAQ. While the exact number of Class members is unknown to Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff believes that there are hundreds or thousands of members in the proposed Class. Record owners and other members of the Class may be identified from records maintained by Harris Stratex or its transfer agent and may be notified of the pendency of this action by mail, using the form of notice similar to that customarily used in securities class actions.

45. Plaintiff's claims are typical of the claims of the members of the Class as all members of the Class are similarly affected by defendants' wrongful conduct in violation of federal law that is complained of herein.

46. Plaintiff will fairly and adequately protect the interests of the members of the Class and has retained counsel competent and experienced in class and securities litigation.

47. Common questions of law and fact exist as to all members of the Class and predominate over any questions solely affecting individual members of the Class. Among the questions of law and fact common to the Class are:

- (a) whether the federal securities laws were violated by defendants' acts as alleged herein;
- (b) whether statements made by defendants to the investing public during the Class Period misrepresented material facts about the business, operations and management of Harris Stratex; and
- (c) to what extent the members of the Class have sustained damages and the proper measure of damages.

48. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy since joinder of all members is impracticable. Furthermore, as the damages suffered by individual Class members may be relatively small, the expense and burden of individual litigation make it impossible for members of the Class to individually redress the wrongs done to them. There will be no difficulty in the management of this action as a class action.

UNDISCLOSED ADVERSE FACTS

49. The market for Harris Stratex's securities was open, well-developed and efficient at all relevant times. As a result of these materially false and misleading statements and failures to disclose, Harris Stratex's securities traded at artificially inflated prices during the Class Period. Plaintiff and other members of the Class purchased or otherwise acquired Harris Stratex's securities relying upon the integrity of the market price of Harris Stratex's securities and market information relating to Harris Stratex, and have been damaged thereby.

50. During the Class Period, defendants materially misled the investing public, thereby inflating the price of Harris Stratex's securities, by publicly issuing false and misleading statements and omitting to disclose material facts necessary to make defendants' statements, as

set forth herein, not false and misleading. Said statements and omissions were materially false and misleading in that they failed to disclose material adverse information and misrepresented the truth about the Company, its business and operations, as alleged herein.

51. At all relevant times, the material misrepresentations and omissions particularized in this Complaint directly or proximately caused or were a substantial contributing cause of the damages sustained by Plaintiff and other members of the Class. As described herein, during the Class Period, defendants made or caused to be made a series of materially false or misleading statements about Harris Stratex's financial well-being and prospects. These material misstatements and omissions had the cause and effect of creating in the market an unrealistically positive assessment of Harris Stratex and its financial well-being and prospects, thus causing the Company's securities to be overvalued and artificially inflated at all relevant times. Defendants' materially false and misleading statements during the Class Period resulted in Plaintiff and other members of the Class purchasing the Company's securities at artificially inflated prices, thus causing the damages complained of herein.

LOSS CAUSATION

52. Defendants' wrongful conduct, as alleged herein, directly and proximately caused the economic loss suffered by Plaintiff and the Class.

53. During the Class Period, Plaintiff and the Class purchased securities of Harris Stratex at artificially inflated prices and were damaged thereby. The price of Harris Stratex's securities significantly declined when the misrepresentations made to the market, and/or the information alleged herein to have been concealed from the market, and/or the effects thereof, were revealed, causing investors' losses.

SCIENTER ALLEGATIONS

54. As alleged herein, defendants acted with scienter in that defendants knew that the public documents and statements issued or disseminated in the name of the Company were materially false and misleading; knew that such statements or documents would be issued or disseminated to the investing public; and knowingly and substantially participated or acquiesced in the issuance or dissemination of such statements or documents as primary violations of the federal securities laws. As set forth elsewhere herein in detail, defendants, by virtue of their receipt of information reflecting the true facts regarding Harris Stratex, their control over, and/or receipt and/or modification of Harris Stratex's allegedly materially misleading misstatements and/or their associations with the Company which made them privy to confidential proprietary information concerning Harris Stratex, participated in the fraudulent scheme alleged herein.

55. Additionally, during the Class Period, and with the Company's securities trading at artificially inflated prices, Company insiders sold 126,011 shares of the Company's stock for gross proceeds of \$2,535,402. This trading by Company insiders is evidenced by the following chart:

Date of Trade	Inside Trader	Number of Shares	Price per Share	Gross Proceeds
May 17, 2007	Kamenski, Robert	2,173	\$16.08	\$35,000
April 10, 2007	Brittain, Larry	10,000	\$19.03	\$190,000
April 9, 2007	Brittain, Larry	10,000	\$19.01	\$190,000
March 14, 2007	Thomsen, Carl	26,250	\$19.27	\$506,000
February 26, 2007	Brandt, John	24,516	\$20.98	\$514,000
February 21, 2007	Thomsen, Carl	27,000	\$20.76	\$561,000
February 8, 2007	Thomsen, Carl	16,334	\$20.51	\$335,000
February 7, 2007	Thomsen, Carl	1,047	\$21	\$22,000
February 5, 2007	Kamenski, Robert	340	\$20.90	\$7,105
February 5, 2007	Brittain, Larry	943	\$20.90	\$20,000

February 5, 2007	Otero, Juan	397	\$20.90	\$8,297
February 5, 2007	Waechter, Thomas H.	2,092	\$20.90	\$44,000
February 5, 2007	Kennard, Paul	944	\$20.90	\$20,000
February 5, 2007	Kissner, Charles	2,022	\$20.90	\$42,000
February 5, 2007	Brandt, John	1,009	\$20.90	\$21,000
February 5, 2007	Thomsen, Carl	944	\$20.90	\$20,000
	TOTAL:	126,011		\$2,535,402

**Applicability of Presumption of Reliance:
Fraud On The Market Doctrine**

56. At all relevant times, the market for Harris Stratex's securities was an efficient market for the following reasons, among others:

- (a) Harris Stratex's stock met the requirements for listing, and was listed and actively traded on the NASDAQ, a highly efficient and automated market;
- (b) As a regulated issuer, Harris Stratex filed periodic public reports with the SEC and the NASDAQ;
- (c) Harris Stratex regularly communicated with public investors via established market communication mechanisms, including through regular disseminations of press releases on the national circuits of major newswire services and through other wide-ranging public disclosures, such as communications with the financial press and other similar reporting services; and
- (d) Harris Stratex was followed by several securities analysts employed by major brokerage firms who wrote reports which were distributed to the sales force and certain customers of their respective brokerage firms. Each of these reports was publicly available and entered the public marketplace.

57. As a result of the foregoing, the market for Harris Stratex securities promptly digested current information regarding Harris Stratex from all publicly-available sources and reflected such information in Harris Stratex's stock price. Under these circumstances, all purchasers of Harris Stratex securities during the Class Period suffered similar injury through their purchase of Harris Stratex securities at artificially inflated prices and a presumption of reliance applies.

NO SAFE HARBOR

58. The statutory safe harbor provided for forward-looking statements under certain circumstances does not apply to any of the allegedly false statements pleaded in this Complaint. Many of the specific statements pleaded herein were not identified as "forward-looking statements" when made. To the extent there were any forward-looking statements, there were no meaningful cautionary statements identifying important factors that could cause actual results to differ materially from those in the purportedly forward-looking statements. Alternatively, to the extent that the statutory safe harbor does apply to any forward-looking statements pleaded herein, defendants are liable for those false forward-looking statements because at the time each of those forward-looking statements was made, the particular speaker knew that the particular forward-looking statement was false, and/or the forward-looking statement was authorized and/or approved by an executive officer of Harris Stratex who knew that those statements were false when made.

FIRST CLAIM

Violation of Section 11 of The Securities Act

Against the Company and Defendants Campbell, Dudash, Lance and Mikuen

59. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein only to the extent, however, that such allegations do not allege fraud,

scienter or the intent of the defendants to defraud Plaintiff or members of the Class. This count is predicated upon defendants' strict liability for making false and materially misleading statements in the Registration Statement.

60. This claim is asserted by Plaintiff against all defendants by, and on behalf of, persons who acquired shares of the Company's securities pursuant to or traceable to the false Registration Statement.

61. Individual Defendants as signatories of the Registration Statement, as directors and/or officers of Harris Stratex and controlling persons of the issuer, owed to the holders of the stock obtained through the Registration Statement the duty to make a reasonable and diligent investigation of the statements contained in the Registration Statement at the time they became effective to ensure that such statements were true and correct, and that there was no omission of material facts required to be stated in order to make the statements contained therein not misleading. Defendants knew, or in the exercise of reasonable care should have known, of the material misstatements and omissions contained in or omitted from the Registration Statement as set forth herein. As such, defendants are liable to the Class.

62. None of the defendants made a reasonable investigation or possessed reasonable grounds for the belief that the statements contained in the Registration Statement were true or that there was no omission of material facts necessary to make the statements made therein not misleading.

63. Defendants issued and disseminated, caused to be issued and disseminated, and participated in the issuance and dissemination of, material misstatements to the investing public which were contained in the Registration Statement, which misrepresented or failed to disclose, *inter alia*, the facts set forth above. By reason of the conduct herein alleged, each defendant

violated and/or controlled a person who violated Section 11 of the Securities Act.

64. As a direct and proximate result of defendants' acts and omissions in violation of the Securities Act, the market price of Harris Stratex's securities sold in the IPO was artificially inflated, and Plaintiff and the Class suffered substantial damage in connection with their ownership of Harris Stratex's securities pursuant to the Registration Statement.

65. Harris Stratex is the issuer of the stock sold via the Registration Statement. As issuer of the stock, the Company is strictly liable to Plaintiff and the Class for the material misstatements and omissions therein.

66. At the times they obtained their shares of Harris Stratex, Plaintiff and members of the Class did so without knowledge of the facts concerning the misstatements or omissions alleged herein.

67. This action is brought within one year after discovery of the untrue statements and omissions in and from the Registration Statement which should have been made through the exercise of reasonable diligence, and within three years of the effective date of the Prospectus.

68. By virtue of the foregoing, Plaintiff and the other members of the Class are entitled to damages under Section 11 as measured by the provisions of Section 11(e), from the defendants and each of them, jointly and severally.

SECOND CLAIM
Violation of Section 12(a)(2) of
The Securities Act Against All Defendants

69. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

70. This Count is brought pursuant to Section 12(a)(2) of the Securities Act on behalf of the Class, against all defendants.

71. Defendants were sellers, offerors, and/or solicitors of purchasers of the shares offered pursuant to the Harris Stratex Offering Registration Statement.

72. The Harris Stratex Registration Statement contained untrue statements of material facts, omitted to state other facts necessary to make the statements made not misleading, and concealed and failed to disclose material facts. The Individual Defendants' actions of solicitation included participating in the preparation of the false the misleading Registration Statement.

73. Defendants owed to the purchasers of Harris Stratex's securities, including Plaintiff and other members of the Class, the duty to make a reasonable and diligent investigation of the statements contained in the offering materials, including the Registration Statement, to ensure that such statements were true and that there was no omission to state a material fact required to be stated in order to make the statements contained therein not misleading. Defendants knew of, or in the exercise of reasonable care should have known of, the misstatements and omissions contained in the offering materials as set forth above.

74. Plaintiff and other members of the Class purchased or otherwise acquired Harris Stratex's securities pursuant to and/or traceable to the defective Registration Statement. Plaintiff did not know, or in the exercise of reasonable diligence could not have known, of the untruths and omissions contained in the Registration Statement.

75. Plaintiff, individually and representatively, hereby offer to tender to defendants that securities which Plaintiff and other Class members continue to own, on behalf of all members of the Class who continue to own such securities, in return for the consideration paid for that securities together with interest thereon. Class members who have sold their Harris Stratex securities are entitled to rescissory damages.

76. By reason of the conduct alleged herein, these defendants violated, and/or

controlled a person who violated Section 12(a)(2) of the Securities Act. Accordingly, Plaintiff and members of the Class who hold Harris Stratex securities exchanged in the offering have the right to rescind and recover the consideration paid for their Harris Stratex securities, and hereby elect to rescind and tender their Harris Stratex securities to the defendants sued herein. Plaintiff and Class members who have sold their Harris Stratex securities are entitled to rescissory damages.

77. This action is brought within three years from the time that the securities upon which this Count is brought was sold to the public, and within one year from the time when Plaintiff discovered or reasonably could have discovered the facts upon which this Count is based.

THIRD CLAIM
Violation of Section 15 of The Securities Act
Against Defendants Campbell, Dudash, Lance and Mikuen

78. Plaintiff repeats and realleges each and every allegation contained above, excluding all allegations above that contain facts necessary to prove any elements not required to state a Section 15 claim, including without limitation, scienter.

79. This count is asserted against Individual Defendants and is based upon Section 15 of the Securities Act.

80. Individual Defendants, by virtue of their offices, directorship and specific acts were, at the time of the wrongs alleged herein and as set forth herein, controlling persons of Harris Stratex within the meaning of Section 15 of the Securities Act. The Individual Defendants had the power and influence and exercised the same to cause Harris Stratex to engage in the acts described herein.

81. Individual Defendants' position made them privy to and provided them with

actual knowledge of the material facts concealed from Plaintiff and the Class.

82. By virtue of the conduct alleged herein, the Individual Defendants are liable for the aforesaid wrongful conduct and are liable to Plaintiff and the Class for damages suffered.

FOURTH CLAIM
Violation of Section 10(b) of
The Exchange Act and Rule 10b-5
Promulgated Thereunder Against All Defendants

83. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

84. During the Class Period, defendants carried out a plan, scheme and course of conduct which was intended to and, throughout the Class Period, did: (i) deceive the investing public, including Plaintiff and other Class members, as alleged herein; and (ii) cause Plaintiff and other members of the Class to purchase Harris Stratex securities at artificially inflated prices. In furtherance of this unlawful scheme, plan and course of conduct, defendants, and each of them, took the actions set forth herein.

85. Defendants (i) employed devices, schemes, and artifices to defraud; (ii) made untrue statements of material fact and/or omitted to state material facts necessary to make the statements not misleading; and (iii) engaged in acts, practices, and a course of business which operated as a fraud and deceit upon the purchasers of the Company's securities in an effort to maintain artificially high market prices for Harris Stratex's securities in violation of Section 10(b) of the Exchange Act and Rule 10b-5. All defendants are sued either as primary participants in the wrongful and illegal conduct charged herein or as controlling persons as alleged below.

86. Defendants, individually and in concert, directly and indirectly, by the use, means or instrumentalities of interstate commerce and/or of the mails, engaged and participated in a

continuous course of conduct to conceal adverse material information about Harris Stratex's financial well-being, business relationships, and prospects, as specified herein.

87. These defendants employed devices, schemes and artifices to defraud, while in possession of material adverse non-public information and engaged in acts, practices, and a course of conduct as alleged herein in an effort to assure investors of Harris Stratex's value and performance and continued substantial growth, which included the making of, or the participation in the making of, untrue statements of material facts and omitting to state material facts necessary in order to make the statements made about Harris Stratex and its business operations and future prospects in light of the circumstances under which they were made, not misleading, as set forth more particularly herein, and engaged in transactions, practices and a course of business which operated as a fraud and deceit upon the purchasers of Harris Stratex securities during the Class Period.

88. Each of the Individual Defendants' primary liability, and controlling person liability, arises from the following facts: (i) the Individual Defendants were high-level executives and/or directors at the Company during the Class Period and members of the Company's management team or had control thereof; (ii) each of these defendants, by virtue of his responsibilities and activities as a senior officer and/or director of the Company was privy to and participated in the creation, development and reporting of the Company's internal budgets, plans, projections and/or reports; (iii) each of these defendants enjoyed significant personal contact and familiarity with the other defendants and was advised of, and had access to, other members of the Company's management team, internal reports and other data and information about the Company's finances, operations, and sales at all relevant times; and (iv) each of these defendants was aware of the Company's dissemination of information to the investing public which they

knew or recklessly disregarded was materially false and misleading.

89. The defendants had actual knowledge of the misrepresentations and omissions of material facts set forth herein, or acted with reckless disregard for the truth in that they failed to ascertain and to disclose such facts, even though such facts were available to them. Such defendants' material misrepresentations and/or omissions were done knowingly or recklessly and for the purpose and effect of concealing Harris Stratex's financial well-being, business relationships, and prospects from the investing public and supporting the artificially inflated price of its securities. As demonstrated by defendants' overstatements and misstatements of the Company's financial well-being and prospects throughout the Class Period, defendants, if they did not have actual knowledge of the misrepresentations and omissions alleged, were reckless in failing to obtain such knowledge by deliberately refraining from taking those steps necessary to discover whether those statements were false or misleading.

90. As a result of the dissemination of the materially false and misleading information and failure to disclose material facts, as set forth above, the market price of Harris Stratex securities was artificially inflated during the Class Period. In ignorance of the fact that market prices of Harris Stratex's securities were artificially inflated, and relying directly or indirectly on the false and misleading statements made by defendants, or upon the integrity of the market in which the securities trades, and/or in the absence of material adverse information that was known to or recklessly disregarded by defendants, but not disclosed in public statements by defendants during the Class Period, Plaintiff and the other members of the Class acquired Harris Stratex securities during the Class Period at artificially high prices and were damaged thereby.

91. At the time of said misrepresentations and omissions, Plaintiff and other members of the Class were ignorant of their falsity, and believed them to be true. Had Plaintiff and the

other members of the Class and the marketplace known the truth regarding the problems that Harris Stratex was experiencing, which were not disclosed by defendants, Plaintiff and other members of the Class would not have purchased or otherwise acquired their Harris Stratex securities, or, if they had acquired such securities during the Class Period, they would not have done so at the artificially inflated prices which they paid.

92. By virtue of the foregoing, defendants have violated Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder.

93. As a direct and proximate result of defendants' wrongful conduct, Plaintiff and the other members of the Class suffered damages in connection with their respective purchases and sales of the Company's securities during the Class Period.

FIFTH CLAIM
Violation of Section 20(a) of
The Exchange Act Against Defendants Campbell, Braun and Dudash

94. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

95. The Individual Defendants acted as controlling persons of Harris Stratex within the meaning of Section 20(a) of the Exchange Act as alleged herein. By virtue of their high-level positions, and their ownership and contractual rights, participation in and/or awareness of the Company's operations and/or intimate knowledge of the false financial statements filed by the Company with the SEC and disseminated to the investing public, the Individual Defendants had the power to influence and control and did influence and control, directly or indirectly, the decision-making of the Company, including the content and dissemination of the various statements which Plaintiff contends are false and misleading. The Individual Defendants were provided with or had unlimited access to copies of the Company's reports, press releases, public

filings and other statements alleged by Plaintiff to be misleading prior to and/or shortly after these statements were issued and had the ability to prevent the issuance of the statements or cause the statements to be corrected.

96. In particular, each of these defendants had direct and supervisory involvement in the day-to-day operations of the Company and, therefore, is presumed to have had the power to control or influence the particular transactions giving rise to the securities violations as alleged herein, and exercised the same.

97. As set forth above, Harris Stratex and the Individual Defendants each violated Section 10(b) and Rule 10b-5 by their acts and omissions as alleged in this Complaint. By virtue of their positions as controlling persons, the Individual Defendants are liable pursuant to Section 20(a) of the Exchange Act. As a direct and proximate result of defendants' wrongful conduct, Plaintiff and other members of the Class suffered damages in connection with their purchases of the Company's securities during the Class Period.

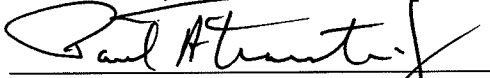
WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- (a) Determining that this action is a proper class action under Rule 23 of the Federal Rules of Civil Procedure;
- (b) Awarding compensatory damages in favor of Plaintiff and the other Class members against all defendants, jointly and severally, for all damages sustained as a result of defendants' wrongdoing, in an amount to be proven at trial, including interest thereon;
- (c) Awarding Plaintiff and the Class their reasonable costs and expenses incurred in this action, including counsel fees and expert fees; and
- (d) Such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury.

PRICKETT, JONES & ELLIOTT, P.A.

By: 
Michael Hanrahan (Bar I.D. #941)
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(610) 667-7706

Dated: October 6, 2008

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Karen Dutton, Individually and on Behalf of All Others Similarly Situated,

(b) County of Residence of First Listed Plaintiff Jefferson County, NY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Michael Hanrahan; Paul A. Fioravanti, Jr., Prickett, Jones & Elliott, P.A., 1310 N. King Street, Wilmington, DE 19801

DEFENDANTS

HARRIS STRATEX NETWORKS, INC., GUY M. CAMPBELL, HARALD J. BRAUN, SARAH A. DUDASH, HOWARD

County of Residence of First Listed Defendant Wake County, NC
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ref. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ref. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions			

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Sections 77k, 77o, 78(b), 78(a)

Brief description of cause:

Federal class action on behalf of purchasers of Harris Stratex securities

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** To Be Determined **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Joseph J. Farnan, Jr.

DOCKET NUMBER 1-08-cv-00578-JJF

DATE
10/06/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

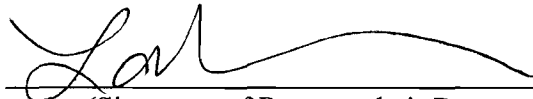
Civil Action No. 08-035

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 6 COPIES OF AO FORM 85.

10/6/08
(Date forms issued)


(Signature of Party or their Representative)

Lauren R. Morrison
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action