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28 **Lead Counsel for Plaintiff and the Class**

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17  
18 ADRIAN MONGELI, Individually, And )  
19 On Behalf Of All Others Similarly Situated,)  
20 Plaintiff, )  
21 vs. )  
22 TERAYON COMMUNICATION )  
23 SYSTEMS, INC., ZAKI RAKIB, JERRY )  
24 D. CHASE, MARK A. RICHMAN, )  
25 EDWARD LOPEZ, RAY FRITZ, CAROL )  
26 LUSTENADER, MATTHEW MILLER, )  
27 SHLOMO RAKIB, DOUG SABELLA, )  
28 CHRISTOPHER SCHAEPE, MARK )  
29 SLAVEN, LEWIS SOLOMON, HOWARD )  
30 W. SPEAKS, ARTHUR T. TAYLOR, )  
31 DAVID WOODROW, and ERNST & )  
32 YOUNG, LLP )  
33 \_\_\_\_\_ )

34 **CASE NO.: 3-06-CV-03936 MJJ**

35 **CLASS ACTION**

36 **STIPULATION AND [PROPOSED]  
37 ORDER CONTINUING HEARING ON  
38 DEFENDANTS TERAYON  
39 COMMUNICATION SYSTEMS, INC.'S  
40 AND INDIVIDUAL DEFENDANTS'  
41 MOTION TO DISMISS PLAINTIFF'S  
42 AMENDED CLASS ACTION  
43 COMPLAINT**

44 **DATE: July 24, 2007**  
45 **TIME: 9:30 A.M.**  
46 **CTRM: 11, 9<sup>th</sup> Floor**

1        WHEREAS, on January 8, 2007, Lead Plaintiff, Adrian G. Mongeli filed Amended  
2 Complaint for Violations of Federal Securities Laws (“Complaint”) naming as defendants Terayon  
3 Communication Systems, Inc. (“Terayon”), Zaki Rakib, Jerry D. Chase, Mark A. Richman, Edward  
4 Lopez, Ray Fritz, Carol Lustenader, Matthew Miller, Shlomo Rakib, Doug Sabella, Christopher  
5 Schaepe, Mark Slaven, Lewis Solomon, Howard W. Speaks, Arthur T. Taylor, and David Woodrow  
6 (“Individual Defendants”), and Ernst & Young LLP (“Ernst & Young”);

7        WHEREAS, on March 9, 2007, Terayon and Individual Defendants filed a Motion to  
8 Dismiss the Complaint (“Terayon Motion”);

9        WHEREAS, the Terayon Motion is currently scheduled for hearing on June 5, 2007 at 9:30  
10 a.m.;

11        WHEREAS, on March 23, 2007, Defendant Ernst & Young separately filed a Motion to  
12 Dismiss the Complaint (“Ernst & Young Motion”);

13        WHEREAS, the Ernst & Young Motion was scheduled for hearing on June 26, 2007 at 9:30  
14 a.m.;

15        WHEREAS, on March 30, 2007, Ernst & Young filed a Notice Continuing Hearing on  
16 Motion to Dismiss Amended Class Action Complaint to July 24, 2007 at 9:30 a.m.;

17        WHEREAS, the parties hereto agree that it would be most efficient and convenient to have  
18 both the Terayon and Ernst & Young Motions adjudicated on the same date;

19        NOW THEREFORE, it is hereby STIPULATED and AGREED, subject to Court approval,  
20 that:

21        1.        The hearing on the Terayon Motion, originally set for June 5, 2007 at 9:30 a.m.  
22 before the Honorable Martin J. Jenkins, United States District Court, Northern District of  
23 California, San Francisco Division, Courtroom 11, 19<sup>th</sup> Floor, is hereby continued to July 24, 2007  
24 at 9:30 a.m.

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26        ///

27        ///

28        ///

1       2.     The due dates for Plaintiff's opposition brief and Defendants' reply briefs will  
2 remain unaltered.

3       **IT IS SO STIPULATED:**

5     Dated: April 3, 2007

Michael D. Braun  
BRAUN LAW GROUP, P.C.

7     By:     /S/ MICHAEL D. BRAUN  
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12400 Wilshire Blvd., Suite 920  
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10           **Liaison Counsel for Plaintiff and the Class**

11     Dated: April 3, 2007

Patrick E. Gibbs  
Jennie Foote Feldman  
LATHAM & WATKINS LLP

14     By:     /S/ PATRICK E. GIBBS  
Patrick E. Gibbs  
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Menlo Park, CA 94025  
Tel:     (650) 328-4600  
Fax:    (650) 463-2600

18           **Counsel for Defendant Terayon Communication  
Systems, Inc. and Individual Defendants**

19     Dated: April 4, 2007

John H. Hemann  
Michael J. Lawson  
Sheila A. Jambekar  
MORGAN, LEWIS & BOCKIUS LLP

22     By:     /S/ JOHN H. HEMANN  
John H. Hemann  
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Spear Street Tower  
San Francisco, CA 94105  
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Fax:    (415) 442-1001

26           **Counsel for Defendant Ernst & Young LLP**

1 **[PROPOSED] ORDER**

2 Upon the Stipulation of the parties, and for good cause appearing,

3 IT IS HEREBY ORDERED THAT:

4

5 1. The hearing on the Terayon Motion, originally set for June 5, 2007 at 9:30 a.m.  
6 before the Honorable Martin J. Jenkins, United States District Court, Northern District of  
7 California, San Francisco Division, Courtroom 11, 19<sup>th</sup> Floor, is hereby continued to July 24, 2007  
8 at 9:30 a.m. at the above referenced Court.

9 2. The due dates for Plaintiff's opposition brief and Defendants' reply briefs will  
10 remain unaltered.

11  
12 DATED: April 9, 2007

*Martin J. Jenkins*

13 HON. MARTIN J. JENKINS  
14 U. S. DISTRICT COURT JUDGE

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## PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )  
 )ss.: )

4 I am employed in the county of Los Angeles, State of California, I am over the age of 18 and  
5 not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los  
Angeles, CA 90025.

6 On April 5, 2007, using the Northern District of California's Electronic Case Filing System,  
with the ECF ID registered to Michael D. Braun, I filed and served the document(s) described as:

8 **STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON DEFENDANTS  
TERAYON COMMUNICATION SYSTEMS, INC.'S AND INDIVIDUAL DEFENDANTS'  
MOTION TO DISMISS PLAINTIFF'S AMENDED CLASS ACTION COMPLAINT**

0 The ECF System is designed to automatically generate an e-mail message to all parties in  
the case, which constitutes service. According to the ECF/PACER system, for this case, the parties  
served are as follows:

Lionel Z. Glancy, Esq. info@glancylaw.com

Michael M. Goldberg, Esq. info@glancylaw.com

|| Counsel for Plaintiffs

4 Patrick Edward Gibbs, Esq. [patrick.gibbs@lw.com](mailto:patrick.gibbs@lw.com)  
5 zoila.aurora@lw.com

6 | Counsel for Defendant

## 7 Terayon Communication Systems, Inc. and Individual Defendants

18 Sheila Anil Jambekar, Esq. sjambekar@morganlewis.com

19 John H. Hemann, Esq. [jhemann@morganlewis.com](mailto:jhemann@morganlewis.com)

20 | Counsel for Defendant Ernst & Young LLP

21 || On April 5, 2007, I served the document(s) described as:

22 **STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON DEFENDANTS**  
23 **TERAYON COMMUNICATION SYSTEMS, INC.'S AND INDIVIDUAL DEFENDANTS'**  
**MOTION TO DISMISS PLAINTIFF'S AMENDED CLASS ACTION COMPLAINT**

24 by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

25 Maya Saxena, Esq.  
Joseph E. White, III, Esq.  
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14 **Lead Counsel for Plaintiff**  
15 **Adrian G. Mongeli and the Class**

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23 Bruce M. Cormier, Esq.  
24 Joel E. Bonner, Esq.  
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26 1225 Connecticut Avenue, NW  
27 Washington, D.C. 20036  
28 Tel: (202) 327-7603  
29 Fax: (202) 327-7601

30 **Counsel for Defendant**  
31 **Ernst & Young LLP**

32 I served the above document(s) as follows:

33 BY MAIL. I am familiar with the firm's practice of collection and processing  
34 correspondence for mailing. Under that practice it would be deposited with U.S. postal service on  
35 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course  
36 of business. I am aware that on motion of the party served, service is presumed invalid if postal  
37 cancellation date or postage meter date is more than one day after date of deposit for mailing in an  
38 affidavit.

39 I declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the above-  
40 listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the  
41 following electronic mail address provided by the Securities Class Action Clearinghouse:

42 scac@law.stanford.edu

43

44

45

I am employed in the office of a member of the bar of this Court at whose direction the service was made.

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

Executed on April 5, 2007, at Los Angeles, California 90025.

/S/ LEITZA MOLINAR  
Leitza Molinar