

Court of Chancery Rule 23.1 on the grounds that the claims made in the Complaint are derivative and Plaintiff has failed to comply with the pleading and demand requirements of Court of Chancery Rule 23.1, and (iv) on the grounds that Plaintiff's former role as General Counsel to Covad disqualifies him as an adequate derivative and class representative. The grounds for this motion are set forth fully in the opening brief of the Individual Defendants and the opening brief of nominal defendant Covad Communications Group, Inc., each filed contemporaneously herewith.

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