

# BLB&G Files Shareholder Class Action on Behalf of Detroit Police & Fire Retirement System Against Members of the Board of Directors of Data Domain, Inc.

June 15, 2009

BLB&G, on behalf of the Police & Fire Retirement System of the City of Detroit ("Detroit P&F") and similarly situated shareholders of Data Domain, filed a shareholder class action lawsuit against members of the board of directors of Data Domain, Inc. ("Data Domain" or the "Company"), and NetApp Inc., Kentucky Merger Sub One Corporation and Derby Merger Sub Two LLC (collectively "NetApp")

The lawsuit alleges that the members of the Board of Directors of Data Domain (the "Board") are breaching their fiduciary duties to their shareholders by refusing to negotiate with a potential acquirer, EMC Corporation ("EMC"), and for agreeing to sell Data Domain to NetApp without taking any steps to maximize the price paid to Data Domain's shareholders. On May 20, 2009, just days after EMC privately disclosed its desire to acquire Data Domain, NetApp agreed to an Agreement and Plan of Merger, allowing NetApp to acquire Data Domain for \$25 per share in a mix of cash and stock. On June 1, 2009, EMC launched a competing proposal to acquire Data Domain in a \$30 per share all-cash deal. Shortly thereafter, NetApp increased its bid to \$30, comprised of the same amount of stock and an increased percentage of cash, which the Data Domain Board immediately approved.

Click [here](#) to view the Press Release for more information.