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**FILED** *C*  
NOV 28 2011  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREG YOUNG, Individually and on Behalf of All  
Others Similarly Situated,

Plaintiff,

vs.

*C* PACIFIC BIOSCIENCES OF CALIFORNIA,  
INC., *et al.*,

Defendants.

Case No. 511-CV-005-668-001 *ESD*

JOINT STIPULATION AND [~~PROPOSED  
ORDER~~] CONSOLIDATING CASES AND  
DEFERRING RESPONSES TO COMPLAINTS  
PENDING MOTION PRACTICE IN  
CONNECTION WITH REMOVAL AND  
REMAND

MATTHEW SANDNAS, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

PACIFIC BIOSCIENCES OF CALIFORNIA,  
INC., *et al.*,

Defendants.

Case No. 511-CV-005-669-001 *LW*

1           **WHEREAS**, on October 21, 2011, plaintiff Greg Young filed his Complaint for Violation of the  
2 Federal Securities Laws and Jury Demand against Pacific Biosciences of California, Inc. (“PacBio” or the  
3 “Company”), several of PacBio’s senior executives and directors (Hugh C. Martin, Susan K. Barnes, Brian  
4 B. Dow, Brook Byers, William W. Ericson, Michael Hunkapiller, Randall S. Livingston, Susan Siegel,  
5 David B. Singer, collectively with PacBio, the “Issuer Defendants”) and the underwriters that conducted  
6 PacBio’s October 26, 2010 initial public stock offering (J.P. Morgan Securities LLC, Morgan Stanley & Co.  
7 LLC (formerly Morgan Stanley & Co. Incorporated), Deutsche Bank Securities Inc., and Piper Jaffray &  
8 Co.) (the “Underwriter Defendants,” collectively with the Issuer Defendants, “Defendants”) in the Superior  
9 Court of California, County of San Mateo Case No. CIV-509210 (the “*Young Action*”);  
10

11           **WHEREAS**, on October 24, 2011, plaintiff Matthew Sandnas filed his Complaint for Violation of  
12 the Federal Securities Laws against Defendants in the Superior Court of California, County of San Mateo  
13 Case No. CIV-509259 (the “*Sandnas Action*”);  
14

15           **WHEREAS**, as of November 17, 2011, plaintiffs had obtained service of process on some but not all  
16 Defendants in the *Young* and *Sandnas* Actions;

17           **WHEREAS**, effective November 18, 2011 all Defendants accepted service of process in the *Young*  
18 and *Sandnas* Actions and the parties stipulated to a uniform response date;

19           **WHEREAS**, on November 23 2011, Defendants removed both the *Young* and *Sandnas* Actions to  
20 federal court and believe removal jurisdiction exists and that removal is appropriate;

21           **WHEREAS**, plaintiffs have indicated before the removal that they contest the validity of removal  
22 jurisdiction, that they consider removal to be frivolous and that they intend to immediately move for remand  
23 (which Defendants intend to oppose); and  
24

25           **WHEREAS**, the parties have met and conferred to establish uniform service and response dates in  
26 federal court that provide counsel for Defendants with sufficient time to prepare their responses, address  
27 plaintiffs’ stated intent to seek remand of these actions, and recognize that certain Defendants have agreed to  
28

1 accept service of process and that a uniform briefing schedule would ease the administrative burden on the  
2 Court that multiple response dates would entail;

3 **NOW, THEREFORE**, it is hereby stipulated and agreed between plaintiffs and Defendants, through  
4 their respective counsel listed below, as follows:

5 **A. Acceptance of Service**

6 (i) Service of process in both the *Young* Action and the *Sandnas* Action is accepted by all  
7 Defendants effective November 18, 2011;

8 **B. Consolidation**

9 (ii) This action and all later-filed securities class actions that relate to the same subject  
10 matter that are subsequently filed in or transferred to this Court are hereby consolidated into one action (the  
11 "Consolidated Action") for all purposes;

12 (iii) The Consolidated Action shall be maintained in one file under Case No. 511-CV-005-  
13 668-001. The Clerk shall file all pleadings under Case No. 511-CV-005-668-001;

14 (iv) An original of this Order shall be filed by the Clerk under Case No. 511-CV-005-668-  
15 001;

16 (v) Every pleading subsequently filed in the Consolidated Action after entry of this Order  
17 shall have the following caption:

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA

20 IN RE PACIFIC BIOSCIENCES OF ) Case No. 511-CV-005-668-001  
21 CALIFORNIA, INC. SECURITIES )  
22 LITIGATION ) (Consolidated Class Action)

23 This Document Relates To:  
24 ALL ACTIONS.  
25

26 (vi) The operative complaint in the Consolidated Actions is that in the *Young* Action.  
27 Defendants have no obligation to respond to any complaint other than the operative complaint.

1 (vii) When a case that is related to the same subject matter of the Consolidated Action is  
2 hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- 3 1. File a copy of this Order in the separate file for such action;
- 4 2. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-  
5 filed or transferred case and to any new defendant(s) in the newly-filed or  
6 transferred case; and
- 7 3. Make the appropriate entry in the docket for the Consolidated Action.

8 (viii) Each new case that is related to the subject matter of the Consolidated Action which is  
9 filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this  
10 Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of  
11 this Order, within 10 days after the date upon which a copy of this Order is served on counsel for such party,  
12 by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in  
13 the foregoing shall be construed as a waiver of the Defendants' right to object to consolidation of any  
14 subsequently filed or transferred related action.

15 **C. Extension of Response Dates**

16 Defendants shall have an extension of time to respond to the operative complaint to within 45 days of  
17 a decision by this Court on plaintiffs' anticipated remand motion.

18 **D. Briefing Schedule on Defendants' Anticipated Motions to Dismiss**

19 (i) In the event any Defendant moves to dismiss the operative complaint, plaintiffs'  
20 opposition(s) to those motion(s) shall be filed within forty-five (45) days of that filing;

21 (ii) Any replies in support of motions to dismiss shall be filed within fifteen (15) days of  
22 the filing of plaintiffs' opposition(s); and

23 (iii) The Court will hear the motion(s) to dismiss on a date to be selected.

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1           **E. Further Terms**

2           Plaintiffs and Defendants agree that neither the existence or filing of this stipulation, the terms  
3 thereof, nor the entry of any party into this stipulation may be used as evidence either in support of or  
4 against any argument or defense that may be raised in connection with the anticipated motion to remand or  
5 in connection with the parties' claims or defenses, including but not limited to personal jurisdiction.

6           **IT IS SO STIPULATED.**

7 DATED: November 23, 2011

SCOTT+SCOTT LLP  
MARY K. BLASY

8  
9 *Mary Blasy* <sup>IBC</sup>

10 \_\_\_\_\_  
MARY K. BLASY

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21 *Counsel for Plaintiffs*

22 DATED: November 23, 2011

WILSON SONSINI GOODRICH & ROSATI  
NINA (NICKI) LOCKER

23  
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25 *Nicki Locker* <sup>IBC</sup>

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NINA (NICKI) LOCKER

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*Counsel for Defendants Pacific Biosciences of California, Inc., Hugh C. Martin, Susan K. Barnes, Brian B. Dow, Brook Byers, William W. Ericson, Michael Hunkapiller, Randall S. Livingston, Susan Siegel and David B. Singer*

DATED: November 23, 2011

SIMPSON THACHER & BARTLETT LLP  
SIMONA G. STRAUSS

  
SIMONA G. STRAUSS

2550 Hanover Street  
Palo Alto, CA 94304  
Telephone: 650/251-5000  
Fax: 650/251-5002

*Counsel for Defendants J.P. Morgan Securities LLC, Morgan Stanley & Co. LLC (formerly Morgan Stanley & Co. Incorporated), Deutsche Bank Securities Inc., and Piper Jaffray & Co.*

**GOOD CAUSE APPEARING, IT IS SO ORDERED.**

DATED: 12/2/2011

  
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE BY NEXT-DAY DELIVERY**

2  
3 I, Elizabeth J. Blackey, declare:

4 I am employed in Santa Clara County. I am over the age of 18 years and not a party to  
5 the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill  
6 Road, Palo Alto, California 94304-1050. I am readily familiar with Wilson Sonsini Goodrich &  
7 Rosati's practice for collection and processing of correspondence for next-day delivery by an  
8 express mail service. In the ordinary course of business, correspondence would be consigned to  
9 an express mail service on this date.

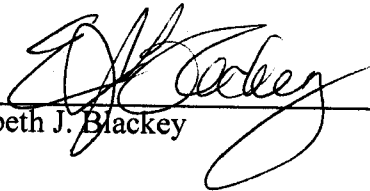
10 On this date, I served **JOINT STIPULATION AND [PROPOSED] ORDER**  
11 **CONSOLIDATING CASES AND DEFERRING RESPONSES TO COMPLAINTS**  
12 **PENDING MOTION PRACTICE IN CONNECION WITH REMOVAL AND REMAND**  
13 on the person(s) listed below by placing the document(s) described above in an envelope  
14 addressed as indicated below, which I sealed. I consigned the envelope(s) to an express mail  
15 service by placing it/them for collection and processing on this day, following ordinary business  
16 practices at Wilson Sonsini Goodrich & Rosati.

17 Mary K. Blasy  
18 SCOTT+SCOTT LLP  
19 707 Broadway, 10th Floor  
20 San Diego, CA 92101

21 David R. Scott  
22 SCOTT+SCOTT LLP  
23 P.O. Box 192  
24 156 South Main Street  
25 Colchester, CT 06415

26 Amber L. Eck  
27 ZELDES & HAEGGQUIST, LLP  
28 625 Broadway, Suite 906  
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on November 28, 2011.

  
Elizabeth J. Blackey