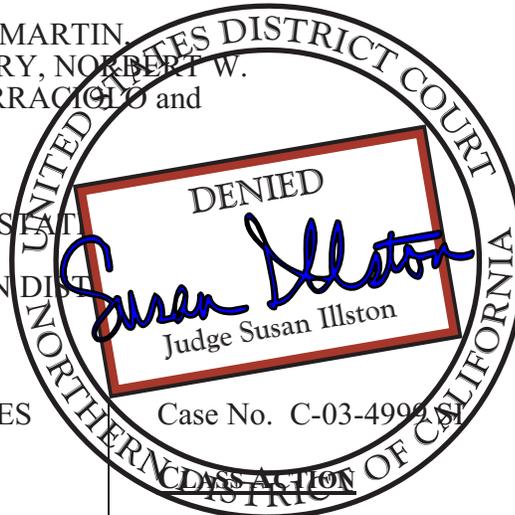


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The Court will leave the case management
 on calendar for scheduling purposes.

7 Attorneys for Defendants
 8 GILEAD SCIENCES, INC., JOHN C. MARTIN,
 9 JOHN F. MILLIGAN, MARK L. PERRY, ROBERT W.
 BISCHOFBERGER, ANTHONY CARRACINO and
 WILLIAM A. LEE

10 UNITED STATES
 11 NORTHERN DISTRICT



12
 13 In re GILEAD SCIENCES SECURITIES
 14 LITIGATION,

Case No. C-03-4999 SI

15
 16 This Document Relates To:
 17 ALL ACTIONS

**JOINT STIPULATION AND [PROPOSED]
 ORDER TO RESCHEDULE THE CASE
 MANAGEMENT CONFERENCE**

18
 19 WHEREAS, by decision dated August 11, 2008, the United States Court of Appeals for
 20 the Ninth Circuit reversed a previous dismissal of this action and remanded it back to the District
 21 Court for the Northern District of California; and

22 WHEREAS, a Case Management Conference in this action has been set by the Court for
 23 January 16, 2009; and

24 WHEREAS, Defendants have advised Plaintiffs that they intend to renew their motion to
 25 dismiss this action on grounds not yet ruled upon by the previous decisions in this case, and
 26 plaintiffs intend to oppose such motion; and

1 WHEREAS, discovery in this action will be stayed pursuant to the Private Securities
2 Litigation Reform Act (“PSLRA”) upon Defendants’ filing of their renewed motion to dismiss;
3 and

4 WHEREAS, Defendants have advised Plaintiffs that they intend to file a petition for writ
5 of certiorari to the Supreme Court of the United States and reserve their right to move to stay all
6 proceedings in this action pending a decision on such petition, and Plaintiffs have advised
7 Defendants that they would oppose such stay; and

8 WHEREAS, in light of these outstanding issues and for purposes of judicial efficiency
9 and economy, the parties believe that a Case Management Conference is premature, and have
10 agreed on a briefing schedule for Defendants’ renewed motion to dismiss;

11 NOW, THEREFORE, the parties hereby stipulate and agree, as follows:

12 1. Defendants’ renewed motion to dismiss shall be filed and served by February 13,
13 2009.

14 2. Plaintiffs’ opposition to the motion shall be filed and served by April 14, 2009.

15 3. Defendants’ reply to the opposition shall be filed and served by May 14, 2009.

16 4. In the event that defendants move to stay all proceedings in the action pending a
17 ruling on their petition for writ of certiorari to the Supreme Court, the parties will meet and confer
18 in good faith to attempt to stipulate to a schedule for such motion.

19 5. The Case Management Conference currently scheduled for January 16, 2009 shall
20 be removed from this Court’s calendar and will be rescheduled for a date thirty (30) days after
21 this Court enters its order on Defendants’ motion to dismiss or at the Court’s earliest convenience
22 thereafter

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IT IS SO STIPULATED.

DATED: December 18, 2008

COOLEY GODWARD KRONISH LLP

/s/ John C. Dwyer
John C. Dwyer
Counsel for Defendants

DATED: December 18, 2008

KAPLAN FOX & KILSHEIMER LLP

/s/ Linda M. Fong
Linda M Fong
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Co-Lead Counsel for Plaintiffs

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[PROPOSED] ORDER

The above stipulation having been considered and good cause appearing therefore,

IT IS SO ORDERED.

DATED: _____

The Honorable Susan Illston
UNITED STATES DISTRICT JUDGE

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FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Joint Stipulation and [Proposed] Order to Reschedule the Case Management Conference.

Dated: December 18, 2008

COOLEY GODWARD KRONISH LLP

By: _____ /s/
John C. Dwyer