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16 *Co-Lead Counsel for Plaintiffs*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 In re GILEAD SCIENCES SECURITIES
21 LITIGATION

Master File No. C-03-4999-SI

CLASS ACTION

22
23 This Document Relates To:

24 ALL ACTIONS

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
MEDIATION AND CLASS
CERTIFICATION SCHEDULING**

1 WHEREAS the parties have agreed to mediate this case before Judge Layn R. Phillips on
2 March 2, 2010; and

3 WHEREAS, the current schedule for briefing and argument on Plaintiffs' motion for class
4 certification commences on January 29, 2010, as reflected in the Civil Pretrial Minutes dated July
5 17, 2009 and filed on July 21, 2009 [D.E. 235]; and

6 WHEREAS, in light of the upcoming mediation, the parties wish to modify the class
7 certification schedule, and have agreed to a schedule whereby class certification briefing and certain
8 discovery proceedings would commence within 14 days of the mediation in the event the case does
9 not settle (in accordance with the schedule set forth below); and

10 WHEREAS, a Case Management Conference in this action had been set by the Court for
11 January 22, 2010, and the parties submitted their Joint Case Management Statement on January 15,
12 2010 [D.E. 252], which, *inter alia*, requested that the following schedule be entered; and

13 WHEREAS, the Case Management Conference has now been adjourned by the Court to
14 February 3, 2010, a date after the current class certification proceedings were supposed to
15 commence, thus necessitating the filing of this stipulation; and

16 WHEREAS, no prior request to modify the class certification schedule has been made in this
17 case, nor will the requested modifications have any effect on the schedule for the case as a
18 discovery cut-off and other dates have not yet been entered; and

19 WHEREAS, in light of these outstanding issues, for purposes of judicial efficiency and
20 economy, and in order to afford the parties an opportunity to prepare for and attend mediation, the
21 parties believe that the deadlines for class certification and other scheduling matters should be
22 established as set forth below;

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

24 1. By January 29, 2010, Plaintiffs will produce the trading records of Lead Plaintiffs
25 showing the dates and nature of all transactions in Gilead stock.

26 2. In the event the case does not settle, class certification briefing shall begin within 14
27 days of the March 2, 2010 mediation, as follows: (a) Plaintiffs' motion for class certification

1 pursuant to Fed. R. Civ. P. 23 shall be filed on or before March 16, 2010; (b) Defendants'
2 opposition to Plaintiffs' motion for class certification shall be filed on or before April 6, 2010; (c)
3 Plaintiffs' reply in support of their motion for class certification shall be filed on or before April 27,
4 2010; (d) the hearing on the motion for class certification shall be scheduled on a date thereafter at
5 the Court's discretion.

6 3. With regard to class certification and other discovery in the event the case does not
7 settle, the parties agree to the following schedule: (a) Plaintiffs will respond to Defendants' First set
8 of Requests for the Production of Documents and First Set of Interrogatories no later than March
9 16, 2010; (b) Lead Plaintiffs will be made available for deposition the week of March 22, 2010; (c)
10 Defendants will respond to Plaintiffs' First Request for Production of Documents no later than
11 March 29, 2010.

12 IT IS SO STIPULATED.

13
14 DATED: January 21, 2010

KAPLAN FOX & KILSHEIMER LLP

15
16 /s/ Laurence D. King
LAURENCE D. KING

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Liaison Counsel for Plaintiffs

24
25 DATED: January 21, 2010

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26 /s/ Joshua H. Vinik

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28 Lori G. Feldman (*admitted pro hac vice*)

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DATED: January 21, 2010

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Co-Lead Counsel for Plaintiffs

DATED: January 21, 2010

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/s/ Matthew D. Brown

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Counsel for Defendants

The above stipulation having been considered and good cause appearing therefore,
IT IS SO ORDERED.



DATED: _____

The Honorable Susan Illston
UNITED STATES DISTRICT JUDGE

The further case management conference has been continued to May 14, 2010, at 3:00 p.m.

The motion hearing has reserved for May 14, 2010, at 9:00 a.m.

FILER'S ATTESTATION

1
2 Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that
3 all parties have concurred in the filing of this Joint Stipulation and [Proposed] Order Regarding
4 Mediation and Class Certification Scheduling.

5
6 DATED: January 21, 2010

KAPLAN FOX & KILSHEIMER LLP

7
8
9 /S/ Linda M. Fong

10 LINDA M. FONG

DECLARATION OF SERVICE

I, Annette Chatham, declare that I am over the age of eighteen (18) and not a party to the within action. I am employed in the law firm of Kaplan Fox & Kilsheimer LLP, 350 Sansome Street, Suite 400, San Francisco, California 94111.

On January 21, 2010, I used the Northern District of California's Electronic Case Filing System, with the ECF registered to Linda M. Fong to file the following document(s):

JOINT STIPULATION AND [PROPOSED] ORDER REGARDING MEDIATION AND CLASS CERTIFICATION SCHEDULING

The ECF system is designed to send an e-mail message to all parties in the case, which constitutes service. The parties served by e-mail in this case are found on the Court's Electronic Mail Notice List.

On this date, I served the below parties:

Jack G. Fruchter Abraham Fruchter & Twersky LLP One Penn Plaza Suite 2805 New York, NY 10119	Robert A. Jigarjian Jigarjian Law Office 128 Tunstead Avenue San Anselmo, CA 94960
James M. Orman Law Offices of James M. Orman 1845 Walnut Street, 14th Floor Philadelphia, PA 19103 jorman@sdbslaw.com	Jennifer J. Sosa MILBERG LLP One Pennsylvania Plaza 49th Floor New York, New York 10119 Telephone: 212-594-5300 Fax: 212-868-1229

_____ (BY FACSIMILE) I sent such document from facsimile machine on the above date. I certify that said transmission was completed and that all pages were received and that a report was generated by the facsimile machine which confirms said transmission and receipt.

XXX (U.S. MAIL) I placed the sealed envelope(s) for collection and mailing by following ordinary business practices of Kaplan Fox Kilsheimer LLP. I am readily familiar with Kaplan Fox Kilsheimer LLP's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

_____ (PERSONAL SERVICE) I caused personal delivery of the document(s) listed above the person(s) at the address(es) set forth below.

1
2 _____ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s) designated
3 by the express service carrier for collection and overnight delivery by following the ordinary
4 business practices of Kaplan Fox Kilsheimer LLP. I am readily familiar with Kaplan Fox
5 Kilsheimer LLP's practice for collecting and processing of correspondence for overnight delivery,
6 said practice being that, in the ordinary course of business, correspondence for overnight delivery
7 is deposited with delivery fees paid or provided for at the carrier's express service offices for
8 next-day delivery the same day as the correspondence is placed for collection.

9 I declare under penalty of perjury under the laws of the United States of America and the
10 State of California that the foregoing is true and correct.

11 Executed January 21, 2010 at San Francisco, California.

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/s/ Annette Chatham
Annette Chatham

