

1 COOLEY GODWARD KRONISH LLP
 SCOTT D. DEVEREAUX (146050) (devereauxsd@cooley.com)
 2 JESSICA VALENZUELA SANTAMARIA (220934) (jsantamaria@cooley.com)
 JEFFREY M. KABAN (235743) (jkaban@cooley.com)
 3 VALERIE CASTELO (247540) (vcastelo@cooley.com)
 Five Palo Alto Square
 4 3000 El Camino Real
 Palo Alto, CA 94306-2155
 5 Telephone: (650) 843-5000
 Facsimile: (650) 857-0663
 6
 Attorneys for Defendants
 7 NUVELO, INC., MICHAEL D. LEVY, TED W. LOVE,
 and GARY S. TITUS
 8

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 In re NUVELO, INC. SECURITIES
 14 LITIGATION

Master File No. 07-CV-04056-VRW

CLASS ACTION

15 **STIPULATION AND ~~PROPOSED~~ ORDER**
 16 **SETTING CASE MANAGEMENT**
 17 **CONFERENCE**
 18

19
 20 **WHEREAS**, lead plaintiffs filed their Second Consolidated Complaint on January 23, 2009;

21 **WHEREAS**, lead plaintiffs filed their Corrected Second Consolidated Amended Complaint
 22 (“SAC”) on February 17, 2009;

23 **WHEREAS**, defendants Nuvelo, Inc., Michael D. Levy, Ted. W. Love and Gary S. Titus
 24 (collectively, “Defendants”) filed their Motion to Dismiss the SAC on March 24, 2009;

25 **WHEREAS**, the Court issued an order granting in part and denying in part Defendants’
 26 motion on August 17, 2009 (“Order”);
 27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Scott D. Devereaux, attest that concurrence in the filing of this Stipulation and [Proposed] Order Setting Case Management Conference has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 29th day of September, 2009, at Palo Alto, California.

/s/ Scott D. Devereaux
Scott D. Devereaux

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

Upon Stipulation of the parties and good cause appearing therefore, it is hereby ordered that:

1. A case management conference in this case will be held on Thursday, October 15, 2009 at 3:30 p.m.

IT IS SO ORDERED.

Dated: 09/30, 2009

