Brown v. Moll et al Doc. 50

1 2 3 4 5 6 7 8 9	BINGHAM MCCUTCHEN LLP David M. Balabanian (SBN 37368) david.balabanian@bingham.com Charlene S. Shimada (SBN 91407) charlene.shimada@bingham.com John D. Pernick (SBN 155468) john.pernick@bingham.com Lucy Wang (SBN 257771) lucy.wang@bingham.com Three Embarcadero Center San Francisco, CA 94111-4067 Telephone: 415.393.2000  Attorneys for Defendants Frederic H. Moll, Steven M. Van Dick, Gary C. Restani, John G. Freund, James M. Shapiro, Christopher P. Lowe, Thomas C. McConnell, Russe C. Hirsch, Joseph M. Mandato, Kevin Hykes and Nominal Defendant Hansen Medical, Inc.	ell	
11	I MITED STATES DI	STDICT COUDT	
12	UNITED STATES DISTRICT COURT		
13	NORTHERN DISTRICT OF CALIFORNIA  SAN FRANCISCO DIVISION		
14	SAN FRANCISCI	O DIVISION	
15 16 17 18 19 20 21 22 23 24 25	MICHAEL BROWN, Derivatively on Behalf of HANSEN MEDICAL, INC.,  Plaintiff, v.  FREDERIC H. MOLL, STEVEN M. VAN DICK, GARY C. RESTANI, JOHN G. FREUND, JAMES M. SHAPIRO, CHRISTOPHER P. LOWE, THOMAS C. MCCONNELL, RUSSELL C. HIRSCH, JOSEPH M. MANDATO, KEVIN HYKES, CHRISTOPHER SELLS, and DOES 1-25, inclusive.,  Defendants.  v.  HANSEN MEDICAL, INC., a Delaware corporation,	No. CV 09 05881 SI  STIPULATION AND [PROPOSED] ORDER RE MOTION TO DISMISS AND EXTENDING DATE FOR CASE MANAGEMENT CONFERENCE  Current CMC Date: July 23, 2010 Proposed CMC Date: November 5, 2010 Before: Hon. Susan Illston	
<ul><li>26</li><li>27</li></ul>	Nominal Defendant.		

**28** 

1	WHEREAS, in accordance with the Court's Order Denying Motion to Stay and Granting	
2	Motion to Dismiss of July 21, 2010, Plaintiff must file any amended complaint no later than	
3	August 9, 2010;	
4	WHEREAS, the first available hearing date for any Motion to Dismiss the amended	
5	complaint on which counsel for all parties are available is November 5, 2010;	
6	WHEREAS, the parties have agreed to set the hearing on Defendants' Motion to Dismiss	
7	for November 5, 2010, and have agreed to a briefing schedule for the Opposition and Reply	
8	Briefs on the Motion to Dismiss;	
9	WHEREAS, a Case Management Conference ("CMC") for the above-captioned case was	
10	scheduled for July 23, 2010 at 2:30 p.m.;	
11	WHEREAS the parties agree that in order to avoid unnecessary legal expenses and in the	
12	interests of justice and judicial economy, the CMC shall coincide with the hearing date for	
13	Defendants' Motion to Dismiss.	
14	THEREFORE the parties, by and through their undersigned counsel of record, hereby	
15	agree and stipulate to the following:	
16	1. Defendants shall file any Motion to Dismiss on or before September 8, 2010;	
17	2. Plaintiff shall file any Opposition to Defendants' Motion to Dismiss on or before	
18	October 8, 2010;	
19	3. Defendants shall file any Reply on or before October 25, 2010;	
20	4. The hearing on Defendants' Motion to Dismiss shall be set for November 5, 2010	
21	at 9:00 a.m. or as soon thereafter as the matter may be heard;	
22	5. The CMC shall be continued to November 5, 2010 at 9:00 a.m., or as soon as	
23	available thereafter, to correspond with the hearing on Defendants' Motion to Dismiss. The	
24	deadlines for associated pre-conference filings, including the Case Management Statement, Rule	
25	26(f) Report and Initial Disclosures, set forth in the Court's Order Setting Initial Case	
26	Management Conference and ADR Deadlines, shall be continued accordingly.	
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1	The Parties respectfully request that the Court enter an Order approving this		
2	Stipulation.		
3			
4	DATED: July 23, 2010	BINGHAM MCCUTCHEN LLP David M. Balabanian	
5		Charlene S. Shimada	
6		John D. Pernick Lucy Wang	
7		Three Embarcadero Center San Francisco, CA 94111	
8		Telephone: 415.393.2000 Facsimile: 415.393.2286	
9		By: /s/ Charlene S. Shimada	
10		Charlene S. Shimada	
11		Attorneys for Defendants Frederic H. Moll, Steven M. Van Dick, Gary C. Restani, John G. Freund,	
12		James M. Shapiro, Christopher P. Lowe, Thomas C. McConnell, Russell C. Hirsch, Joseph M. Mandato,	
13		Kevin Hykes and Nominal Defendant Hansen Medical, Inc.	
14	DATED: July 22, 2010	HOWARD RICE NEMEROVSKI CANADY	
15	DATED: July 23, 2010	FALK & RABKIN Sarah A. Good	
16		Three Embarcadero Center, Seventh Floor	
17		San Francisco, CA 94111 Telephone: 415.434.1600 Facsimile: 415.217.5910	
18		Facsimile: 413.217.3910	
19		By: /s/ Sarah A. Good Sarah A. Good	
20		Attorneys for Defendant Christopher Sells	
21		Attorneys for Defendant Christopher Sens	
22	DATED: July 23, 2010	JOHNSON BOTTINI, LLP Frank J. Johnson	
23		501 West Broadway, Suite 1720 San Diego, CA 92101	
24		Telephone: 619.230.0063 Facsimile: 619.238.0622	
25		By: /s/ Frank J. Johnson	
26		Frank J. Johnson	
27		Attorneys for Plaintiff Michael Brown, Derivatively On Behalf Of Hansen Medical, Inc.	
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[PROPOSED] ORDER		
Based on the above stipulation of the Parties and for good cause appearing therefore, IT		
IS SO ORDERED.		
Suran Delaton		
DATED:, 2010 Hon. Susan Illston  United States District Indee		
United States District Judge		
The cmc will be set at 2:30 p.m. and the motion will be set at 9:00 a.m. on		
11/5/10.		

1	ATTESTATION PURSUANT TO GENERAL ORDER 45		
2	I, Charlene S. Shimada, attest that concurrence in the filing of this document has been		
3	obtained from any signatories indicated by a "conformed" signature (/s/) within this e-filed		
4	document.		
5	I declare under penalty of perjury under the laws of the United States of America that th		
6	foregoing is true and correct.		
7	Executed this 23rd day of July, 2010, at San Francisco, California.		
8	BINGHAM MCCUTCHEN LLP		
10 11	By: /s/ Charlene S. Shimada Charlene S. Shimada		
12	Attorneys for Defendants Frederic H. Moll, Steven		
13 14	M. Van Dick, Gary C. Restani, John G. Freund, James M. Shapiro, Christopher P. Lowe, Thomas C. McConnell, Russell C. Hirsch, Joseph M. Mandato,		
15	Kevin Hykes and Nominal Defendant Hansen Medical, Inc.		
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1	CERTIFICATE OF MAILING
2	I hereby certify that on July 23, 2010, I electronically transmitted the attached document
3	to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of
4	Electronic Filing to the CM/ECF registrants on record.
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7	By:/s/ Diane R. Imai
8	Diane R. Imai
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