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9 AFFYMAX, INC., JOHN A. ORWIN, HERBERT C. CROSS,
ANNE-MARIE DULIEGE, AND JEFFREY H. KNAPP
10

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

14 TRICIA M. BARTELT, Individually and on
Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 AFFYMAX, INC., JOHN A. ORWIN,
18 HERBERT C. CROSS, ANNE-MARIE
DULIEGE, JEFFREY H. KNAPP

19 Defendants.
20

Case No. 3:13-cv-01025-WHO

CLASS ACTION

**STIPULATION AND ORDER CONTINUING
THE CASE MANAGEMENT CONFERENCE**

Date: January 15, 2014

Time: 2:00 p.m.

Courtroom: 2.

Judge: Hon. William H. Orrick

21
22 Plaintiffs and the Defendants in this action hereby stipulate as follows:

23 **WHEREAS**, on May 17, 2013, the Court issued an order setting forth the schedule for the
24 filing of a consolidated amended complaint in this case and any responses thereto (Dkt. 37);

25 **WHEREAS**, pursuant to the Court's order setting the schedule (Dkt. 37), Plaintiffs filed a
26 Consolidated Amended Class Action Complaint ("Consolidated Amended Complaint") on July
27 22, 2013; Defendants filed a Motion to Dismiss the Consolidated Amended Complaint ("Motion
28 to Dismiss") on September 20, 2013; Plaintiffs filed an Opposition to the Motion to Dismiss on

1 November 19, 2013; and Defendants filed a Reply in Support of the Motion to Dismiss on
2 December 19, 2013;

3 **WHEREAS**, the hearing on Defendants' Motion to Dismiss is scheduled for January 15,
4 2014;

5 **WHEREAS**, on December 3, 2013, the Court set a Case Management Conference to be
6 conducted on January 15, 2014, immediately following the motions hearing and the Court also
7 ordered the parties to submit a Case Management Statement by January 8, 2014 (Dkt. 57);

8 **WHEREAS**, this matter is a class action under the federal securities laws and subject to
9 the Private Securities Litigation Reform Act of 1995 (PSLRA);

10 **WHEREAS**, pursuant to the PSLRA, all discovery in this case is stayed until the Court
11 rules on the sufficiency of the Consolidated Amended Complaint (15 U.S.C. §78u-4(b)(3)(B));

12 **WHEREAS**, the parties agree and respectfully submit that a case management conference
13 would be premature and not benefit the Court or the parties at this time because discovery is
14 stayed and Defendants' Motion to Dismiss is pending;

15 **NOW, THEREFORE**, the parties jointly request that the Court take the Case
16 Management Conference off calendar and that it be rescheduled, if necessary, after the discovery
17 stay is lifted, and further, the Case Management Statement due on January 8, 2014 be deferred
18 until one week prior to any Case Management Conference that may be scheduled.

19 **IT IS SO STIPULATED.**

20
21
22 Dated: December 23, 2014

**POMERANTZ GROSSMAN HUFFORD
DAHLSTROM & GROSS LLP**

By: /s/ Patrick V. Dahlstrom

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Lead Counsel for Lead Plaintiff

Dated: December 23, 2013

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By: /s/ Jeffrey M. Kaban

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Counsel for Defendants Affymax, Inc., John A. Orwin, Herbert C. Cross, Anne-Marie Duliege, and Jeffrey H. Knapp

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I, Jeffrey M. Kaban, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 23, 2013

/s/ Jeffrey M. Kaban
Jeffrey M. Kaban

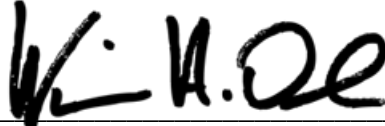
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ORDER

Pursuant to the stipulation of the parties, the January 15, 2014, Case Management Conference is hereby taken off-calendar, to be rescheduled, if necessary, following the lifting of the discovery stay. No Case Management Statement is currently due.

IT IS SO ORDERED.

Dated: December 24, 2013



Honorable Hon. William H. Orrick
United States District Judge
Northern District of California