

1 LATHAM & WATKINS LLP  
 Peter A. Wald (Bar No. 85705)  
 2 Marcy C. Priedeman (Bar No. 258505)  
*peter.wald@lw.com*  
 3 *marcy.priedeman@lw.com*  
 505 Montgomery Street, Suite 2000  
 4 San Francisco, California  
 Telephone: (415) 391-0600  
 5 Facsimile: (415) 395-8095

6  
 Patrick E. Gibbs (Bar No. 183174)  
 7 *patrick.gibbs@lw.com*  
 140 Scott Drive  
 8 Menlo Park, California 94025-1008  
 Telephone: (650) 328-4600  
 9 Facsimile: (650) 463-2600

10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

Attorneys for Defendants  
 IMPAX LABORATORIES, INC., LARRY HSU,  
 ARTHUR A. KOCH and BRYAN M. REASONS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

DENIS MULLIGAN, Individually and on  
 Behalf of All Others Similarly Situated,

Plaintiff,

vs.

IMPAX LABORATORIES, INC., LARRY  
 HSU, ARTHUR A. KOCH and BRYAN M.  
 REASONS

Defendants.

Case No.: 13-cv-01037-EMC

**STIPULATION AND [PROPOSED]  
 SCHEDULING AND RESCHEDULING  
 INITIAL CASE MANAGEMENT  
 CONFERENCE ORDER**

Class Action

1 Plaintiff Denis Mulligan, individually and on behalf of all others similarly situated, by  
2 and through his respective counsel (“Plaintiff”), and defendants Impax Laboratories, Inc., Larry  
3 Hsu, Arthur A. Koch, and Bryan M. Reasons, by and through their respective counsel,  
4 (collectively, “Defendants”), hereby stipulate to the following:

5 WHEREAS, on March 7, 2013, Plaintiff filed a complaint captioned *Denis Mulligan v.*  
6 *Impax Laboratories, Inc. et al.*, No. 13-cv-01037, a purported class action under the Private  
7 Securities Litigation Reform Act of 1995 (the “PSLRA”) alleging securities fraud, which was  
8 assigned to Judge Edward M. Chen;

9 WHEREAS, pursuant to the March 7, 2013 Case Management Conference Order, the  
10 Initial Case Management Conference is scheduled for June 6, 2013;

11 WHEREAS, the Complaint asserts claims under the federal securities laws that are  
12 subject to the procedural requirements of the PSLRA, including those set forth in 15 U.S.C. §  
13 78u-4;

14 WHEREAS, Defendants presently intend to file a motion to dismiss, which would trigger  
15 a stay of discovery under the PSLRA, 15 U.S.C. § 78u-4(b)(3)(B);

16 WHEREAS, under the PSLRA, the Court may come to consider consolidation of the  
17 complaint already filed, along with any further complaints that may be filed arising out of the  
18 same set of facts and circumstances as the existing complaint;

19 WHEREAS, motions for appointment of lead plaintiff and lead counsel pursuant to the  
20 PSLRA, 15 U.S.C. § 78u-4(a)(3) will be filed with the Court;

21 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort  
22 by the parties to this action and the Court prior to filing of the motion(s) for appointment of Lead  
23 Plaintiff, the parties to this action have agreed, in the interim prior to the appointment of Lead  
24 Plaintiff and subject to the Court’s approval, to the continuance of the Initial Case Management  
25 Conference and an extension of time for Defendants to respond to the Complaint or any  
26 superseding Complaint; and

27 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,  
28 arguments, or defenses otherwise available to the parties to this action, including, but not limited

1 to, the right to revisit the timing of the below-referenced pleadings and motions once Lead  
2 Counsel has been designated by the Court.

3 NOW THEREFORE, the undersigned parties, by and through their counsel of record,  
4 stipulate as follows:

- 5 1. Defendants shall have no obligation to respond to the Complaint filed in the  
6 above-captioned action;
- 7 2. Lead Plaintiff(s) shall have sixty (60) days after entry of an order appointing Lead  
8 Plaintiff(s) to file and serve a consolidated or amended complaint (“Consolidated  
9 or Amended Complaint”) or to notify Defendants that they shall be proceeding on  
10 the original Complaint;
- 11 3. Defendants shall file and serve any answer or other response within sixty (60)  
12 days of service of the Consolidated or Amended Complaint or after notification  
13 by the Lead Plaintiff(s) that they shall be proceeding on the original Complaint;
- 14 4. Lead Plaintiff(s) shall file and serve any opposition to Defendants’ motion to  
15 dismiss within forty-five (45) days of service of the motion to dismiss;
- 16 5. Defendants shall file and serve a reply brief in support of the motion to dismiss  
17 within thirty (30) days of service of any opposition brief;
- 18 6. Oral argument on Defendants’ motion to dismiss will be held at such date and  
19 time as the parties shall agree upon prior to filing the motion to dismiss, or on  
20 such other date and time as the Court shall order;
- 21 7. Defendants agree to waive service of process to the extent that service has not  
22 been effected on all Defendants. This stipulation shall not be deemed to waive  
23 any defense other than as to the sufficiency of service of process;
- 24 8. The parties agree that discovery in the above-captioned action shall be stayed  
25 pursuant to the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-  
26 4(b)(3)(B), until the Court issues an order resolving Defendants’ motion to  
27 dismiss. This does not preclude Lead Plaintiff from issuing requests that the  
28 Defendants undertake efforts to preserve relevant documents; and

1 9. In light of the stay of discovery, the Initial Case Management Conference,  
2 currently scheduled for June 6, 2013, is continued until after the Defendants file  
3 an answer, following any ruling denying Defendants' motion to dismiss in whole  
4 or in part.

5  
6 DATED: April 22, 2013

7  
8 **ROBBINS GELLER RUDMAN  
& DOWD LLP**

**LATHAM & WATKINS LLP**

9  
10 By: /s/ John K. Grant  
John K. Grant

By: /s/ Peter A. Wald  
Peter A. Wald

11 John Grant (Bar No. 169813)  
12 Shawn A. Williams (Bar No. 213113)  
13 Post Montgomery Center  
14 One Montgomery Street, Suite 1800  
15 San Francisco, California 94104  
16 Telephone: (415) 288-4545  
Facsimile: (619) 288-4534  
johnkg@rgrdlaw.com  
shawnw@rgrdlaw.com

Peter A. Wald (Bar No. 85705)  
Marcy C. Priedeman (Bar No. 258505)  
505 Montgomery St., Suite 2000  
San Francisco, California 94111  
Telephone: (415) 391-0600  
Facsimile: (415) 395-8095  
peter.wald@lw.com  
marcy.priedeman@lw.com

17 and

and

18 Darren J. Robbins (Bar No. 168593)  
19 David C. Walton (Bar No. 167268)  
20 Catherine J. Kowalewski (Bar No. 216665)  
655 West Broadway, Suite 1900  
San Diego, California 92101-3301  
21 Telephone: (619) 231-1058  
22 Facsimile: (619) 231-7423  
darrenr@rgrdlaw.com  
davew@rgrdlaw.com  
23 katek@rgrdlaw.com

Patrick E. Gibbs (Bar No. 183174)  
140 Scott Drive  
Menlo Park, California 94025-1008  
Telephone: (650) 328-4600  
Facsimile: (650) 463-2600  
patrick.gibbs@lw.com

*Counsel for Defendants Impax Laboratories,  
Inc., Larry Hsu, Arthur A. Koch, and Bryan M.  
Reasons*

24 and

25 **ADEMI & O'REILLY, LLP**  
26 Guri Ademi  
27 Shpetim Ademi  
3620 East Layton Avenue  
Cudahy, WI 53110  
28 Telephone: (414) 482-8000

1 Facsimile: (414) 482-8001

2 *Counsel for Plaintiff Denis Mulligan*

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

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

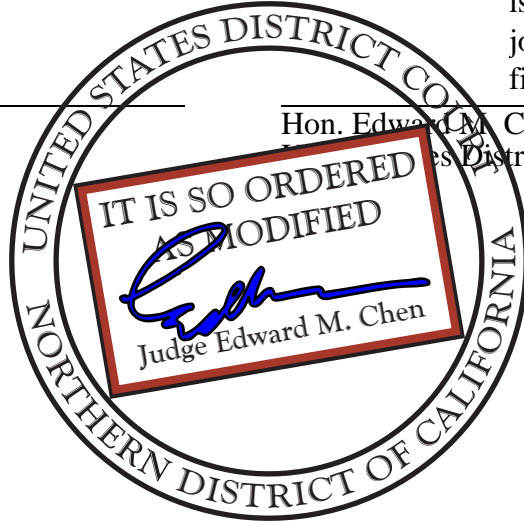
**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The Case management conference is reset for 11/7/13 at 9:00 a.m. A joint CMC statement shall be filed by 10/31/13.

4/25/13

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Edward M. Chen  
United States District Court Judge



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

**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Scheduling and Rescheduling Initial Case Management Conference Order. Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Peter A. Wald, attest that concurrence in the filing of this document has been obtained.

DATED: APRIL 22, 2013

/s/ Peter A. Wald  
Peter A. Wald (Bar No. 85705)