

1 Richard M. Heimann (Cal. Bar No. 063607)
 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
 2 275 Battery Street, 29th Floor
 San Francisco, CA 94111-3339
 3 Telephone: (415) 956-1000
 Facsimile: (415) 956-1008
 4 Email: rheimann@lchb.com

5 *Attorneys for Plaintiffs Biotechnology Value Fund, L.P.;*
Biotechnology Value Fund II, L.P.; Investment 10, L.L.C.;
 6 *BVF Investments, L.L.C.; BVF Inc.; and BVF X, LLC*

7 Stephen D. Hibbard (State Bar No. 177865)
 SHEARMAN & STERLING LLP
 8 Four Embarcadero Center, Suite 3800
 San Francisco, CA 94111-5994
 9 Telephone: 415.616.1100
 Facsimile: 415.616.1199
 10 Email: shibbard@shearman.com

11 *Attorneys for Defendants Celera Corporation, Kathy*
Ordoñez, Richard H. Ayers, William G. Green, Peter
 12 *Barton Hutt, Gail K. Naughton, Wayne I. Roe, and Bennett*
 13 *M. Shapiro*

14 [other counsel identified on signature page]

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

17 BIOTECHNOLOGY VALUE FUND,
 L.P.; BIOTECHNOLOGY VALUE FUND
 18 II, L.P.; INVESTMENT 10, L.L.C.;
 BVF INVESTMENTS, L.L.C.; BVF INC.;
 19 and BVF X, LLC,

Case No. CV-13-3248-WHA-DMR

STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL

20 Plaintiffs,

21 v.

22 CELERA CORPORATION; CREDIT
 SUISSE SECURITIES (USA) LLC;
 23 KATHY ORDOÑEZ; RICHARD H.
 AYERS; WILLIAM G. GREEN; PETER
 24 BARTON HUTT; GAIL M. NAUGHTON;
 WAYNE I. ROE; and BENNETT M.
 25 SHAPIRO,

26 Defendants.

27
 28

1 WHEREAS, Plaintiffs Biotechnology Value Fund, L.P., Biotechnology Value Fund II,
2 L.P., Investment 10, L.L.C., BVF Investments, L.L.C., BVF Inc., and BVF X, LLC, and
3 Defendants Celera Corporation, Kathy Ordoñez, Richard H. Ayers, William G. Green, Peter
4 Barton Hutt, Gail M. Naughton, Wayne I. Roe, and Bennett M. Shapiro (collectively, “Celera
5 Defendants”) (Plaintiffs and the Celera Defendants collectively referred to as the “Settling
6 Parties”) have reached a settlement in connection with the above-captioned action (the “Action”);
7 and

8 WHEREAS, the Settling Parties have stipulated to the voluntary dismissal pursuant to
9 Fed. R. Civ. P. 41(a)(2) of all claims as against the Celera Defendants with prejudice and without
10 costs;

11 WHEREAS, Plaintiffs’ claims against the only other defendant, Credit Suisse Securities
12 (USA) LLC were dismissed on the merits, with prejudice, and without costs by Order dated
13 September 22, 2014 (ECF No. 176), and the dismissal of Plaintiffs’ claims against the Celera
14 Defendants will fully and finally resolve the Action;

15 For good cause shown, and upon due consideration of the Settling Parties’ Stipulation;

16 IT IS ORDERED, ADJUDGED AND DECREED THAT:

17 1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Second Amended
18 Complaint in this Action, served on or about March 14, 2014, and all claims contained therein, is
19 hereby dismissed on the merits, with prejudice and without costs as against each of the Celera
20 Defendants.

21 2. Each Settling Party shall bear its own costs and expenses, including any and all
22 legal and expert fees, incurred in connection with this Action.

23 3. Final judgment is hereby entered pursuant to Federal Rule of Civil Procedure 54
24 dismissing the Action with prejudice and without costs.

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

Dated: January 15, 2015

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Joy A. Kruse
Joy A. Kruse

Richard M. Heimann (Cal. Bar No. 63607)
William Bernstein (Cal. Bar No. 65200)
Joy A. Kruse (Cal. Bar No. 142799)
Brendan P. Glackin (State Bar No. 199643)
Bruce W. Leppla (Cal. Bar No. 071642)
Marc A. Pilotin (Cal. Bar No. 266369)
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
Email: rheimann@lchb.com
jakruse@lchb.com
bglackin@lchb.com
bleppla@lchb.com
mpilotin@lchb.com

Michael J. Miarmi (admitted *pro hac vice*)
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: (212) 355-9500
Facsimile: (212) 355-9592
Email: mmiarmi@lchb.com

*Attorneys for Plaintiffs Biotechnology Value Fund, L.P.;
Biotechnology Value Fund II, L.P.; Investment 10, L.L.C.;
BVF Investments, L.L.C.; BVF Inc.; and BVF X, LLC*

1 Dated: January 15, 2015

SHEARMAN & STERLING LLP

2 By: /s/ Stephen D. Hibbard
3 Stephen D. Hibbard

4 Stephen D. Hibbard (Cal. Bar No. 177865)
5 Four Embarcadero Center, Suite 3800
6 San Francisco, CA 94111-5994
7 Telephone: (415) 616-1100
8 Facsimile: (415) 616-1199
9 Email: shibbard@shearman.com

10 Brian H. Polovoy (admitted pro hac vice)
11 Joanna Shally (admitted pro hac vice)
12 Andrew Z. Lipson (admitted pro hac vice)
13 SHEARMAN & STERLING LLP
14 599 Lexington Avenue
15 New York, NY 10022-6069
16 Telephone: (212) 848-4000
17 Facsimile: (212) 848-7179
18 Email: bpolovoy@shearman.com


19 Neil A. Goteiner
20 C. Brandon Wisoff
21 Karen P. Kimmey
22 Morgan T. Jackson
23 Christoffer Lee

24 FARELLA, BRAUN & MARTEL, LLP
25 235 Montgomery Street, 17th Floor
26 San Francisco, CA 94104
27 Telephone: (415) 954-4400
28 Facsimile: (415) 954-4480
ngoteiner@fbm.com
bwisoff@fbm.com
kkimmey@fbm.com
mjackson@fbm.com
clee@fbm.com

Attorneys for Defendants Celera Corporation, Kathy Ordoñez, Richard H. Ayers, William G. Green, Peter Barton Hutt, Gail K. Naughton, Wayne I. Roe, and Bennett M. Shapiro

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

24 Dated: January 16, 2015

25 
26 _____
27 The Honorable William H. Alsup
28 United States District Judge