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13 UNITED STATES DISTRICT COURT  
 14  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 ROHAN KISHTAGARI, Individually and  
 17 on Behalf of All Others Similarly Situated,  
 18  
 19 Plaintiff,  
 20  
 21 v.  
 22 GERON CORPORATION, JOHN A.  
 23 SCARLETT, and OLIVIA K. BLOOM,  
 24  
 25 Defendants.

Case No. 3:14-cv-01224-CRB

CLASS ACTION

**STIPULATION AND ORDER TO  
 CONTINUE THE INITIAL CASE  
 MANAGEMENT CONFERENCE,  
 RESET RELATED DEADLINES AND  
 EXTEND DEFENDANT’S TIME TO  
 ANSWER OR OTHERWISE RESPOND  
 TO THE COMPLAINT**

**[CIVIL L.R. 16-2, 7-12]**

Current CMC Date: July 11, 2014  
 Time: 8:30 AM  
 Judge: Hon. Charles R. Breyer

1 Pursuant to Civil Local Rules 16-2 and 7-12, Plaintiff Rohan Kishtagari (“Kishtagari” or  
2 “Plaintiff”) and defendants Geron Corporation (“Geron”), John A. Scarlett, and Olivia K. Bloom  
3 (collectively, “Defendants”), hereby agree and stipulate that good cause exists to request an order  
4 from the Court extending Defendants’ time to respond to the complaint and rescheduling the  
5 Initial Case Management Conference currently set for July 11, 2014, pursuant to this Court’s  
6 March 14, 2014 Order Setting Initial Case Management Conference and ADR Deadlines (Dkt.  
7 #6) (the “March 14, 2014 Order”), and to adjust accordingly the related deadlines set forth  
8 therein.  
9

#### 10 **RECITALS**

11 WHEREAS, on March 14, 2014, Plaintiff Kishtagari filed a putative class action  
12 complaint, captioned *Kishtagari v. Geron Corporation, et al.*, Case No. 14-cv-01224-CRB (the  
13 “*Kishtagari* Action”), against Defendants for violations of Sections 10(b) and 20(a) of the  
14 Securities Exchange Act of 1934;  
15

16 WHEREAS, on March 28, 2014, a similar putative class action complaint was filed in  
17 this Court asserting the same or substantially similar claims against Defendants, captioned  
18 *Beckmann v. Geron Corporation, et al.*, Case No. 14-cv-01424-LHK (the “*Beckmann* Action”);  
19

20 WHEREAS, on April 4, 2014, the parties filed an administrative motion to relate the  
21 *Kishtagari* Action and the *Beckmann* Action pursuant to Northern District of California Civil  
22 Local Rule 3-12(a) because these actions involve substantially the same parties and events and  
23 are class actions brought against the same Defendants under the federal securities laws;  
24

25 WHEREAS, under the Private Securities Litigation Reform Act of 1995 (“PSLRA”),  
26 when a putative class action alleging securities fraud is filed, a process must be followed  
27 whereby the plaintiff gives notice to the putative class, there is a sixty (60) day deadline for  
28

1 motion(s) for appointment of lead plaintiff to be filed, and the Court appoints lead plaintiff(s)  
2 and approves the selection of lead counsel. 15 U.S.C. § 78u-4(a);

3 WHEREAS, on March 14, 2014, Plaintiff provided notice to the putative class (Dkt. #8),  
4 and the sixty day deadline to file motions for consolidation of the related actions, appointment of  
5 lead plaintiff and approval of selection of lead counsel and liaison counsel has not yet passed;

6 WHEREAS, Plaintiff anticipates that the actions will be consolidated and that the lead  
7 plaintiff will accordingly need to file a consolidated amended complaint;

8 WHEREAS, the March 14, 2014 Order directed the parties to meet and confer, and then  
9 complete initial disclosures on July 4, 2014;

10 WHEREAS, the parties believe that, in order to avoid the needless waste of the Court's  
11 and the parties' resources, it would be prudent to defer the initial case management conference  
12 and the completion of initial disclosures until a lead plaintiff has been appointed, the lead  
13 plaintiff's selection of lead counsel has been approved, the lead plaintiff has filed a consolidated  
14 amended complaint, Defendants have had the opportunity to file any motion to dismiss, and the  
15 Court has ruled on Defendants' anticipated motion to dismiss; and

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties  
17 hereto, through their undersigned counsel, as follows:

18 1. Defendants need not answer, move or otherwise respond to the Complaint in this  
19 action or any related, subsequently filed actions transferred to this Court until a date to be set  
20 following the appointment of a lead plaintiff pursuant to 15 U.S.C. §78u-4(a)(3)(B) and the filing  
21 by such lead plaintiff of a consolidated amended complaint.

22 2. Within twenty (20) days following the appointment of lead plaintiff and lead  
23 counsel, the parties will meet and confer and submit a schedule for the filing of a consolidated  
24

1 amended complaint and the time to for Defendants' responses thereto.

2 3. The Initial Case Management Conference shall be held 30 days after an order  
3 directing Defendants to file an answer (if any), or as soon as possible thereafter consistent with  
4 the Court's schedule.

5 4. This Stipulation is entered into without prejudice to any party seeking any interim  
6 relief.

7 5. Nothing in this Stipulation shall be construed as a waiver of any of Defendants'  
8 rights or positions in law or equity, or as a waiver of any defenses that Defendants would  
9 otherwise have, including, without limitation, jurisdictional defenses.

10 6. The Parties have not sought any other extensions of time in this action.

11 7. The Parties do not seek to reset these dates for the purpose of delay, and the  
12 proposed new dates will not have an effect on any pre-trial and trial dates as the Court has yet to  
13 schedule these dates.

14 WHEREFORE, the Parties respectfully request that this Court issue an order granting the  
15 parties' request to reset the Initial Case Management Conference and related deadlines as set  
16 forth in the following [Proposed] Order.

17 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

18 DATED: April 8, 2014

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DATED: April 8, 2014

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*Attorneys for Defendants  
Geron Corporation, John A. Scarlett and Olivia K.  
Bloom*

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 14, 2014

Hon. \_\_\_\_\_  
United States District Court

