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6 Attorneys for Defendants
 XOMA CORPORATION, JOHN W. VARIAN,
 7 and PAUL D. RUBIN

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPH F. MARKETTE, on Behalf of
 Himself and All Others Similarly Situated,

12 Plaintiff,

13 v.

14 XOMA CORPORATION, JOHN W.
 15 VARIAN, and PAUL D. RUBIN,

16 Defendants.

Case No. 3:15-CV-3425-HSG

**STIPULATION AND ORDER TO VACATE
 INITIAL CASE MANAGEMENT
 CONFERENCE AND RESET ALL RELATED
 DEADLINES AND EXTEND DEFENDANTS'
 TIME TO ANSWER OR OTHERWISE
 RESPOND TO THE COMPLAINT**

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1 Plaintiff Joseph Markette, individually and on behalf of all others similarly situated,
2 (“Plaintiff”), by and through his undersigned counsel, and Defendants XOMA Corporation, John
3 Varian, and Paul Rubin (“Defendants”), by and through their undersigned counsel, hereby
4 stipulate and agree as follows:

5 WHEREAS Plaintiff’s Class Action Complaint for Violations of the Federal Securities
6 Laws (the “Complaint”) was filed in the action styled *Markette v. XOMA Corporation, et al.*,
7 No. 3:15-CV-3425-HSG on July 24, 2015 (Dkt. No. 1) (the “Complaint”);

8 WHEREAS, Plaintiff sent waivers of service of summons to Defendants on August 4,
9 2015 and Cooley LLP accepted service on their behalf;

10 WHEREAS, under Rule 12 of the Federal Rules of Civil Procedure, Defendants are
11 required to answer or otherwise respond to Plaintiff’s Complaint on or before September 28,
12 2015;

13 WHEREAS, under section 78u-4(a)(3) of the Private Securities Litigation Reform Act of
14 1995 (“PSLRA”) the deadline to file a motion to appoint lead plaintiff and to appoint lead counsel
15 is September 22, 2015;

16 WHEREAS, on July 27, 2015, this Court issued an Order, scheduling an Initial Case
17 Management Conference for October 27, 2015 along with related Alternative Dispute Resolution
18 (“ADR”) deadlines.

19 WHEREAS, the parties agree that, in light of the deadline to file a motion to appoint lead
20 plaintiff and lead counsel, and in the interests of judicial economy and preservation of the Court’s
21 and the parties’ resources, Defendants need not respond to the pending Complaint;

22 WHEREAS, under Civil Local Rule 6-1(a), the parties may stipulate in writing, without a
23 Court order, to extend the time within which to answer or otherwise respond to the Complaint
24 provided that the change will not alter the date of any event or any deadline already fixed by
25 Court order;

26 WHEREAS, the Court has not issued any order setting the time within which Defendants
27 must answer or otherwise respond to the Complaint;

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1 NOW THEREFORE, the parties hereby STIPULATE and AGREE as follows, through
2 their undersigned counsel:

3 1. Defendants shall not be required to, and shall not waive any rights, arguments, or
4 defenses by not answering, moving against, or otherwise responding to the pending Complaint in
5 the action styled *Markette v. XOMA Corporation, et al.*, No. 3:15-CV-3425-HSG;

6 2. Upon appointment of a lead plaintiff and lead counsel, the parties will meet and
7 confer to set a schedule for the filing by such lead plaintiff of a consolidated complaint and
8 Defendants' response.

9 3. The Initial Case Management Conference currently scheduled for October 27,
10 2015, along with any associated deadlines under the Federal Rules of Civil Procedure and Local
11 Rules (including ADR deadlines), shall be vacated and reset after appointment of lead plaintiff
12 and lead counsel.

13 **IT IS SO STIPULATED.**

14 Respectfully Submitted,

15 Dated: August 26, 2015

COOLEY LLP

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/s/ Jessica Valenzuela Santamaria

Jessica Valenzuela Santamaria (136533)

Attorneys for Defendants XOMA CORPORATION,
JOHN W. VARIAN, and PAUL D. RUBIN

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Dated: August 26, 2015

PUNZALAN LAW, P.C.

/s/ Mark Punzalan

Mark Punzalan (247599)

Attorneys for Plaintiff JOSEPH F. MARKETTE

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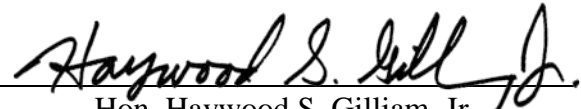
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 27, 2015



Hon. Haywood S. Gilliam, Jr.
United States District Court Judge

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to the United States District Court for the Northern District of California, Civil L. R. 5-1(i), I, Jessica Valenzuela Santamaria, hereby attest that the concurrence to the filing of the foregoing document has been obtained from Mark Punzalan, who has provided the conformed signature above.

Dated: August 26, 2015

COOLEY LLP

/s/ Jessica Valenzuela Santamaria
Jessica Valenzuela Santamaria (220934)

Attorneys for Defendants XOMA CORPORATION,
JOHN W. VARIAN, and PAUL D. RUBIN

CERTIFICATE OF SERVICE

I, Jessica Valenzuela Santamaria, one of the attorneys for Defendants XOMA Corporation, John W. Varian, and Paul D. Rubin hereby certify that on August 27, 2015, I caused a copy of the attached Stipulation Re Defendants XOMA Corporation, John W. Varian, and Paul D. Rubin’s Response to the Pending Complaint to be submitted electronically to the Court’s Electronic Case Filing System which generates a Notice of Electronic Filing that constitutes service to all Filing Users under Fed. R. Civ. P. 5(b)(2)(D).

/s/ Jessica Valenzuela Santamaria
Jessica Valenzuela Santamaria

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