

1 Barbara A. Rohr SBN 273353
 FARUQI & FARUQI, LLP
 2 10866 Wilshire Boulevard, Suite 1470
 Los Angeles, CA 90024
 3 Telephone: 424-256-2884
 Facsimile: 424-256-2885
 4 E-mail: brohr@faruqilaw.com

5 Nadeem Faruqi (*pro hac vice*)
 Richard W. Gonnello (*pro hac vice*)
 6 Megan M. Sullivan (*pro hac vice*)
 Katherine M. Lenahan (*pro hac vice*)
 7 FARUQI & FARUQI, LLP
 685 Third Avenue, 26th Floor
 8 New York, NY 10017
 Telephone: 212-983-9330
 9 Facsimile: 212-983-9331
 E-mail: nfaruqi@faruqilaw.com
 10 rgonnello@faruqilaw.com
 msullivan@faruqilaw.com
 11 klenahan@faruqilaw.com

12 *Attorneys for Lead Plaintiff Joseph Tarzia*

John C. Dwyer (136544)
 (dwyerjc@cooley.com)
 Jessica Valenzuela Santamaria (220934)
 (jsantamaria@cooley.com)
 Amanda A. Main (260814)
 (amain@cooley.com)
 Brett De Jarnette (292919)
 (bdejarnette@cooley.com)
 COOLEY LLP
 3175 Hanover Street
 Palo Alto, California 94304
 Telephone: (650) 843-5000
 Facsimile: (650) 849-7400

*Attorneys for Defendants XOMA Corporation,
 John W. Varian, Paul D. Rubin, and Kelvin M.
 Neu*

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

18 JOSEPH F. MARKETTE, on Behalf of
 Himself and All Others Similarly Situated,
 19
 20 Plaintiff,
 21 v.
 22 XOMA CORPORATION, JOHN W.
 VARIAN, and PAUL D. RUBIN,
 23 Defendants.
 24
 25

Case No. 15-CV-3425 (HSG)

**STIPULATION AND ORDER
 CONTINUING HEARING ON
 DEFENDANTS' MOTION TO DISMISS
 AMENDED CLASS ACTION
 COMPLAINT TO DECEMBER 15, 2016**

CLASS ACTION

Date: November 3, 2016
 Time: 2:00 p.m.
 Judge: Hon. Haywood S. Gilliam

1 Lead Plaintiff Joseph Tarzia (“Lead Plaintiff”) and Defendants XOMA Corporation, John
2 W. Varian, Paul D. Rubin, and Kelvin M. Neu (collectively, “Defendants” and together with
3 Lead Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as
4 follows:

5 WHEREAS, on May 24, 2016, the Court entered an Order (ECF No. 83) which set the
6 case management deadlines as follows:

EVENT	DATE
Lead Plaintiff’s deadline to amend the complaint	July 8, 2016
Defendants’ deadline to file a response to any amended complaint	August 11, 2016
Lead Plaintiff’s deadline to file an opposition to an opposition to any motion filed in response to any amended complaint	September 15, 2016
Defendants’ deadline to file a reply in support of any responsive motion	September 29, 2016
Hearing on any responsive motion	October 13, 2016

15 WHEREAS Lead Plaintiff filed an Amended Class Action Complaint on July 8, 2016
16 (ECF No. 87);

17 WHEREAS, on July 22, 2016, the Parties filed a Stipulation and [Proposed] Order to
18 Extend the Case Management Schedule (ECF No. 92) as follows:

EVENT	DATE
Defendants’ deadline to file a joint motion to dismiss the amended complaint	September 2, 2016
Lead Plaintiff’s deadline to file an opposition to the motion to dismiss the amended complaint	October 28, 2016
Defendants’ deadline to file a reply in support of the motion to dismiss	December 2, 2016
Hearing on motion to dismiss	December 22, 2016

1 WHEREAS, on July 22, 2016 the Court entered an Order Granting in Part and Denying
2 in Part Stipulated Request to Amend Scheduling Order (ECF No. 93) which revised the case
3 management deadlines as follows:

EVENT	DATE
Defendants' deadline to file a joint motion to dismiss the amended complaint	September 2, 2016
Plaintiff's deadline to file an opposition to the motion to dismiss the amended complaint	Within five weeks of the date that Defendants' motion to dismiss is filed
Defendants' deadline to file a reply in support of the motion to dismiss	Within two weeks of the date that Plaintiff files his opposition
Hearing on motion to dismiss	November 3, 2016

13 WHEREAS, on September 2, 2016, Defendants filed their Motion to Dismiss Amended
14 Class Action Complaint (the "Motion to Dismiss") (ECF No. 94) and related papers;

15 WHEREAS, Lead Plaintiff's counsel is unavailable on November 3, 2016 due to a
16 personal matter;

17 WHEREAS, the Parties have agreed to continue the hearing on the Motion to Dismiss
18 from November 3, 2016 to December 15, 2016; and

19 NOW THEREFORE, THE FOLLOWING IS HEREBY STIPULATED by and between
20 the Parties, through their respective counsel:

- 21 1. The hearing on Defendants' motion to dismiss is continued to December 15, 2016 at
22 2:00 p.m.

23 **IT IS SO STIPULATED.**

24 Dated: September 13, 2016

Respectfully submitted,

25 By: /s/ Richard W. Gonnello
26 Richard W. Gonnello

27 **FARUQI & FARUQI, LLP**

1 Barbara A. Rohr SBN 273353
10866 Wilshire Boulevard, Suite 1470
Los Angeles, CA 90024
2 Telephone: 424-256-2884
3 Facsimile: 424-256-2885
Email: brohr@faruqilaw.com

4 Nadeem Faruqi (*pro hac vice*)
Richard W. Gonnello (*pro hac vice*)
5 Megan M. Sullivan (*pro hac vice*)
Katherine M. Lenahan (*pro hac vice*)
6 685 Third Ave., 26th Floor
New York, NY 10017
7 Telephone: 212-983-9330
Facsimile: 212-983-9331
8 Email: nfaruqi@faruqilaw.com
rgonnello@faruqilaw.com
9 msullivan@faruqilaw.com
klenahan@faruqilaw.com

10
11 *Attorneys for Lead Plaintiff Joseph Tarzia
and Lead Counsel for the Class*

12
13 Dated September 13, 2016,

COOLEY LLP

14 By: /s/ Jessica Valenzuela Santamaria
15 Jessica Valenzuela Santamaria

16 **COOLEY LLP**

17 John C. Dwyer
(dwyerjc@cooley.com)
18 Jessica Valenzuela Santamaria
(jsantamaria@cooley.com)
19 Amanda A. Main
(amain@cooley.com)
20 Brett De Jarnette (292919)
(bdejarnette@cooley.com)
3175 Hanover Street
21 Palo Alto, California 94304
22 Telephone: (650) 843-5000
Facsimile: (650) 849-7400

23 *Attorneys for Defendants XOMA Corporation, John
24 W. Varian, Paul D. Rubin, and Kelvin M. Neu*

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 15, 2016



THE HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT 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

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

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

I, Richard W. Gonnello, am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON MOTION TO DISMISS AMENDED CLASS ACTION COMPLAINT. I hereby attest that the other above-named signatories concur in this filing.

DATED: September 13, 2016

By: /s/ Richard W. Gonnello
Richard W. Gonnello

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 13, 2016, I authorized the electronic filing of the
3 STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON MOTION TO
4 DISMISS AMENDED CLASS ACTION COMPLAINT with the Clerk of the Court using the
5 CM/ECF system which will send notice of such filing to counsel of record.

6 By: /s/ Richard W. Gonnello
7 Richard W. Gonnello
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28