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8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

12 JOHN MORAN, INDIVIDUALLY AND ON
 BEHALF OF ALL OTHERS SIMILARLY
 13 SITUATED,

14 Plaintiff,

15 v.

16 CLOVIS ONCOLOGY, INC., PATRICK J.
 MAHAFFY, and ERLE T. MAST,

17 Defendants.
 18

Case No. 3:15-cv-05323-RS

Assigned to Hon. Richard Seeborg

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE THE INITIAL
 CASE MANAGEMENT
 CONFERENCE, RESET RELATED
 DEADLINES, AND EXTEND
 DEFENDANTS' TIME TO RESPOND
 TO THE COMPLAINT
 AS MODIFIED BY THE COURT**

19 WHEREAS, on November 20, 2015, Plaintiff John Moran (“Plaintiff”) filed a putative class
 20 action complaint (“Complaint”) in the above-captioned action against defendants Clovis Oncology,
 21 Inc., Patrick J. Mahaffy, and Erle T. Mast (collectively, “Defendants”) alleging violations of
 22 Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§
 23 78j(b) and 78t(a), and Securities and Exchange Commission (“SEC”) Rule 10b-5 promulgated
 24 thereunder, 17 C.F.R. § 240.10b-5.

25 WHEREAS, on December 4, 2015, Plaintiff sent service waivers to Defendants.

26 WHEREAS, this action is subject to the Private Securities Litigation Reform Act of 1995
 27 (“PSLRA”). *See* 15 U.S.C. § 78u-4(a)(1). Under the PSLRA, the Court will appoint a lead plaintiff
 28 and lead counsel for the plaintiffs. 15 U.S.C. § 78u-4(a)(3)(B). After the lead plaintiff has been

1 appointed, he or she will serve a consolidated amended complaint or designate a pending complaint
2 as the operative complaint.

3 WHEREAS, the following related actions also arising under the Exchange Act and the
4 PSLRA have been filed in the United States District Court for the District of Colorado alleging
5 similar claims and facts against some or all of the same Defendants:

6 1. *Medina v. Clovis Oncology, Inc., et al.*, Case No. 1:15-cv-2546 (D. Colo.; Filed
7 November 19, 1015);

8 2. *Kimbro v. Clovis Oncology, Inc., et al.*, Case No. 1:15-cv-2547 (D. Colo.; Filed
9 November 19, 2015); and

10 3. *Rocco v. Clovis Oncology, Inc., et al.*, Case No. 1:15-cv-2697 (D. Colo.; Filed
11 December 14, 2015).

12 WHEREAS, the parties anticipate filing a motion or stipulation to consolidate this action and
13 the three related actions referenced above, as well as any other subsequently-filed related action, into
14 a single action either before this Court or the United States District Court for the District of
15 Colorado.

16 WHEREAS, the parties agree that, in the interest of efficiency and the conservation of
17 resources, Defendants' deadline to file a responsive pleading to the Complaint should be extended
18 until after the appointment of a lead plaintiff and lead counsel.

19 WHEREAS, the parties believe that, in order to avoid the needless waste of the Court's and
20 the parties' resources, it would be prudent to defer the initial case management conference and
21 related deadlines (including ADR deadlines) until after the appointment of lead plaintiff and lead
22 counsel.

23 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

24 1. Defendants Clovis Oncology, Inc., Patrick J. Mahaffy, and Erle T. Mast accept
25 service in this action.

26 2. Defendants' deadline to file a responsive pleading to the Complaint is vacated and
27 further, that, within 10 days following appointment of a lead plaintiff and lead counsel, the parties
28 will confer and submit a proposed scheduling order to the Court which includes deadlines for (1)

1 lead plaintiff to serve a consolidated complaint, and (2) Defendants to file any responsive pleadings.

2 3. The case management conference presently scheduled for February 18, 2016, along
3 with any associated deadlines under the Federal Rules of Civil Procedure and Local Rules (including
4 ADR deadlines), is hereby continued to May 12, 2016 at 10:00 a.m.

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

7 5. No party is waiving any rights, claims, or defenses of any kind except as expressly
8 stated herein, and the parties reserve the right to seek further extensions of time as circumstances
9 may warrant.

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.

12 DATED: January 5, 2016

13 THE ROSEN LAW FIRM, P.A.

STRADLING YOCCA CARLSON & RAUTH,
P.C.

14 /s/ Laurence M. Rosen

/s/ Aaron C. Humes

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26 Attorneys for Defendants Clovis Oncology, Inc.,
27 Patrick J. Mahaffy, and Erle T. Mast

28 **SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing

STIPULATION AND [PROPOSED] ORDER

Case No. 3:15-cv-05323-RS

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Stipulation and [Proposed] Order to Continue the Initial Case Management Conference, Reset
Related Deadlines, and Extend Defendants' Time to Respond to the Complaint. In compliance with
Civil Local Rule 5.1, I hereby attest that the other signatory has concurred in this filing.

DATED: January 5, 2016

STRADLING YOCCA CARLSON &
RAUTH, P.C.

By: /s/ Aaron C. Humes
Aaron C. Humes

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[PROPOSED] O R D E R

Pursuant to stipulation, IT IS SO ORDERED.



The Honorable Richard Seeborg
United States District Judge

DATED: January 7, 2016