

JOHNSON & WEAVER, LLP
 FRANK J. JOHNSON (SBN 174882)
 LONDON LERNER (SBN 268093)
 600 West Broadway, Suite 1540
 San Diego, CA 92101
 Tel: (619) 230-0063
 Fax: (619) 255-1856
 frankj@johnsonandweaver.com
 landonl@johnsonandweaver.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ANGELO ALBANO AND CHARLES
 ALBANO d/b/a CA PRODUCTIONS,
 Individually and on Behalf of All Others
 Similarly Situated,

Plaintiffs,

vs.

SIENTRA, INC., et al.,

Defendants.

Case No. 3:15-cv-05550-WHO

CLASS ACTION

STIPULATION AND ORDER
 TO WAIVE ORAL ARGUMENT OR
 ADVANCE THE HEARING DATE AND TO
 ESTABLISH A BRIEFING SCHEDULE ON
 PLAINTIFFS' MOTION TO REMAND

DATE: N/A
 TIME: N/A
 JUDGE: Honorable William H. Orrick
 CTRM: 2, 17th Floor

1 WHEREAS, on December 4, 2015, Defendants removed this action (the “Albano Action”)
2 (Dkt. No. 6) and two other substantially similar actions: Oklahoma Police Pension & Retirement
3 System v. Sientra, Inc., No. 3:15-cv-5549-EJD (the “Oklahoma Police Action”), and Kleiman v.
4 Sientra, Inc., No. CIV 536313 (Cal. Super. Ct., San Mateo Cty. Nov. 19, 2015) (the “Kleiman
5 Action”) (collectively, the “Related Actions”);

6 WHEREAS, on December 8, 2015, Defendants filed an administrative motion to relate the
7 Albano Action to the Kleiman Action and the Oklahoma Police Action, which motion is unopposed
8 and presently pending before the Honorable Edward J. Davila;

9 WHEREAS, on December 15, 2015, and December 16, 2015, Plaintiffs in all three actions
10 moved to remand the actions to state court;

11 WHEREAS, Defendants have requested an extension of time to respond to the remand
12 motions to accommodate counsel’s holiday schedules; and

13 WHEREAS, the parties have met and conferred and agreed: (a) to provide Defendants
14 additional time to file and serve their responses to the remand motion; and (b) to consent to the
15 determination of the motions to remand without oral argument or, if the Court determines that oral
16 argument would be beneficial, to jointly request that the Court advance the time for the hearing on
17 the motions to remand to the earliest date that is convenient to the Court following the completion of
18 briefing on the motions.

19 NOW, THEREFORE, THE PARTIES HAVE STIPULATED AND AGREED, SUBJECT
20 TO THE COURT’S APPROVAL, as follows:

21 1. Defendants shall have until January 19, 2016 to file any briefs in opposition to the
22 motions to remand;

23 2. Plaintiffs in each of the Related Actions shall have until January 26, 2016 to reply to
24 any briefs filed in opposition to the motions to remand; and

25 3. The parties jointly consent to determination of the motions to remand based on the
26 papers submitted without oral argument; or

4. In the alternative, should be Court believe that oral argument would be beneficial to resolving the issues raised in the motions, the parties jointly request that the Court advance the hearing to the earliest convenient date for the Court after January 26, 2015.

IT IS SO STIPULATED.

DATED: December 16, 2015

JOHNSON & WEAVER, LLP
FRANK J. JOHNSON
LONDON LERNER

/s/ Frank J. Johnson
FRANK J. JOHNSON

600 West Broadway, Suite 1540
San Diego, CA 92101
Telephone: 619/230-0063
619/255-1856 (fax)
frankj@johnsonandweaver.com
landonl@johnsonandweaver.com

Attorneys for Plaintiffs

DATED: December 16, 2015

COOLEY LLP
KOJI F. FUKUMURA
RYAN E. BLAIR

/s/Koji F. Fukumura
KOJI F. FUKUMURA

4401 Eastgate Mall
San Diego, CA 92121
Telephone: 619/550-6000
650/550-6420 (fax)

COOLEY LLP
JEFFREY M. KABAN
JEFFREY M. WALKER
3175 Hanover Street
Palo Alto, CA 94304
Telephone: 650/843-5000
650/849-7400 (fax)

Attorneys for Defendants Sientra, Inc., Hani Zeini, Matthew Pigeon, Nicholas Simon, R. Scott Greer, Kevin O'Boyle, and Jeffrey Nugent

1 DATED: December 16, 2015

MORGAN, LEWIS & BOCKIUS LLP
CHARLENE S. SHIMADA
LUCY WANG
MELISSA C. HUGHES

2
3
4
5 /s/ Charlene S. Shimada
CHARLENE S. SHIMADA

6 One Market, Spear Street Tower
7 San Francisco, CA 94105-1596
8 Telephone: 415/442-1000
415/442-1001 (fax)

9 Attorneys for Defendants Piper Jaffray & Co.,
10 Stifel, Nicolaus & Company, Incorporated,
Leerink Partners LLC, and William Blair &
Company, L.L.C.

11 **Certificate Pursuant to Local Rule 5-1(i)(3)**

12 I, Frank J. Johnson, am the ECF User whose identification and password are being used to
13 file this Stipulation and [Proposed] Order to Waive Oral Argument and to Establish a Briefing
14 Schedule on Plaintiffs' Motion to Remand. In compliance with Local Rule 5-1(i)(3), I hereby attest
15 that counsel for defendants, Koji F. Fukumura and Charlene S. Shimada concur in this filing.

16 Dated: December 16, 2015

17 /s/ Frank J. Johnson
18 FRANK J. JOHNSON

* * *

ORDER

Pursuant to stipulation, IT IS SO ORDERED. Any hearing necessary will
be conducted on February 3, 2016 at 2:00 p.m.

DATED: December 23, 2015



THE HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE