

1 COOLEY LLP  
KOJI F. FUKUMURA (189719) (kfukumura@cooley.com)  
2 RYAN E. BLAIR (246724) (rblair@cooley.com)  
4401 Eastgate Mall  
3 San Diego, CA 92121  
Telephone: (858) 550-6000  
4 Facsimile: (858) 550-6420

5 COOLEY LLP  
JEFFREY M. KABAN (235743) (jkaban@cooley.com)  
6 JEFFREY M. WALKER (280505) (jwalker@cooley.com)  
3175 Hanover Street  
7 Palo Alto, CA 94304  
Telephone: (650) 843-5000  
8 Facsimile: (650) 849-7400

9 Attorneys for Defendants  
SIENTRA, INC., HANI ZEINI, MATTHEW PIGEON,  
10 NICHOLAS SIMON, R. SCOTT GREER, KEVIN  
O'BOYLE, and JEFFREY NUGENT

11 *[Additional counsel listed on signature page]*  
12

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION  
16

17 HOWARD KLEIMAN, Individually and on  
18 Behalf of All Others Similarly Situated,

19 Plaintiff,

20 v.

21 SIENTRA, INC., et al.,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No. 3:15-cv-5553-HSG

CLASS ACTION

**STIPULATION AND ORDER TO  
MODIFY THE BRIEFING SCHEDULE  
ON PLAINTIFF'S MOTION TO  
REMAND**

DATE: N/A

TIME: N/A

JUDGE: Hon. Haywood S Gilliam, Jr.

CTRM: 15, 18th Floor

1 WHEREAS, on December 4, 2015, Defendants removed this action (the “*Kleiman*  
2 Action”) (Dkt. No. 1) and two other substantially similar actions: *Oklahoma Police Pension &*  
3 *Retirement System v. Sientra, Inc.*, No. 3:15-cv-5549-EJD (the “*Oklahoma Police Action*”), and  
4 *Albano v. Sientra, Inc.*, No. 3:15-cv-05550-WHO (the “*Albano Action*”) (collectively, the  
5 “Related Actions”);

6 WHEREAS, on December 8, 2015, Defendants filed an administrative motion to relate the  
7 *Kleiman Action* and the *Albano Action* to the first-filed *Oklahoma Police Action*, which motion is  
8 unopposed 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, in the other actions Defendants have been granted an extension of time to  
12 respond to the remand motion to accommodate counsels’ holiday schedules (*Oklahoma Police*  
13 *Action* Dkt. No. 30);

14 WHEREAS, for that same good cause related to counsels’ holiday schedules and to avoid  
15 the duplication and waste of judicial resources in by having to address three related motions to  
16 remand before three different judges, the parties wish to modify and conform the briefing  
17 schedule in this action as set forth herein;

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

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

22 2. Plaintiff shall have until January 26, 2016 to reply to any briefs filed in opposition  
23 to the motion to remand.

1 IT IS SO STIPULATED.

2 Dated: December 18, 2015

COOLEY LLP

3

4

5

/s/Koji F. Fukumura  
KOJI F. FUKUMURA (189719)

6

Attorneys for Defendants  
SIENRA, INC., HANI ZEINI, MATTHEW  
PIGEON, NICHOLAS SIMON, R. SCOTT  
GREER, KEVIN O'BOYLE, and JEFFREY  
NUGENT

7

8

9

Dated: December 18, 2015

MORGAN, LEWIS & BOCKIUS LLP

10

11

/s/Charlene S. Shimada  
CHARLENE S. SHIMADA (91407)

12

13

Attorneys for Defendants  
PIPER JAFFRAY & CO., STIFEL,  
NICOLAUS & COMPANY,  
INCORPORATED, LEERINK  
PARTNERS LLC, and WILLIAM BLAIR  
& COMPANY, L.L.C.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Dated: December 18, 2015

ABRAHAM, FRUCHTER & TWERSKY LLP

2  
3 /s/Ian D. Berg

IAN D. BERG

TAKEO A KELLAR

11622 El Camino Real, Suite 100

San Diego, CA 92130

Telephone: (858) 764-2580

Email: [iberg@aftlaw.com](mailto:iberg@aftlaw.com)

[tkellar@aftlaw.com](mailto:tkellar@aftlaw.com)

7 JACK G FRUCHTER

CASSANDRA L PORSCH

One Penn Plaza, Suite 2805

New York, NY 10119

Telephone: (212) 279-5050

Email: [jfruchter@aftlaw.com](mailto:jfruchter@aftlaw.com)

[cporsch@aftlaw.com](mailto:cporsch@aftlaw.com)

11 Attorneys for Plaintiff

HOWARD KLEIMAN

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

14 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this  
15 document has been obtained from the signatory.

17 Dated: December 18, 2015

COOLEY LLP

18  
19 /s/Koji F. Fukumura

KOJI F. FUKUMURA (189719)

20 Attorneys for Defendants

21 SIENRA, INC., HANI ZEINI, MATTHEW

PIGEON, NICHOLAS SIMON, R. SCOTT

22 GREER, KEVIN O'BOYLE, and JEFFREY

23 NUGENT  
24  
25  
26  
27  
28

\* \* \*

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

DATED: December 21, 2015

  
\_\_\_\_\_  
THE HONORABLE HAYWOOD S. GILLIAM, JR.  
UNITED STATES DISTRICT JUDGE