

Barbara A. Rohr SBN 273353
 Benjamin Heikali SBN 307466
FARUQI & FARUQI, LLP
 10866 Wilshire Boulevard, Suite 1470
 Los Angeles, CA 90024
 Telephone: 424-256-2884
 Facsimile: 424-256-2885
 E-mail: brohr@faruqilaw.com
 bheikali@faruqilaw.com

Counsel for Plaintiff

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10	GERALD DOUGLAS, Individually and On)	Case No. 3:16-cv-00921-WHO
11	Behalf of All Others Similarly Situated,)	
12	Plaintiff,)	STIPULATION AND
13	v.)	ORDER FOR THE ADJOURNMENT
14	FRANK WITNEY, NELSON CHAN, GARY)	OF THE INITIAL CASE
15	GUTHART, JAMI NACHTSHEIM,)	MANAGEMENT CONFERENCE
16	RICCARDO PIGLIUCCI, MERILEE RAINES,)	
17	ROBERT TRICE, and AFFYMETRIX, INC.)	Judge: Honorable William H. Orrick
	Defendants.)	

18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 IT IS HEREBY STIPULATED by and between PLAINTIFF GERALD DOUGLAS
2 (“Plaintiff”) and DEFENDANTS FRANK WITNEY, NELSON CHAN, GARY GUTHART,
3 JAMI NACHTSHEIM, RICCARDO PIGLIUCCI, MERILEE RAINES, ROBERT TRICE
4 (collectively, the “Individual Defendants”), and AFFYMETRIX, INC. (collectively, the
5 “Defendants”), (Plaintiff and Defendants are to be collectively referred to as the “Parties”), by
6 and through their attorneys of record, that good cause exists for the Court to accept the following
7 proposed schedule based on the following:

8 WHEREAS, on February 24, 2016, Plaintiff filed a Class Action Complaint captioned
9 Douglas v. Witney, et al., Case No. 16-cv-921-WHO (the “Complaint”) in the United States
10 District Court, Northern District of California for violations of Section 14(a) and 20(a) of the
11 Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. §§ 78n(a), 78t(a), and SEC
12 Rule 14a-9, 17 C.F.R. 240.14a-9, and breaches of fiduciary duties in connection with the
13 proposed merger between Affymetrix, Inc. and Thermo Fisher Scientific Inc.;

14 WHEREAS, the Initial Case Management Conference in this matter is set for May 17,
15 2016;

16 WHEREAS, Defendants’ Answers to the Complaint are due on May 31, 2016;

17 WHEREAS, the Parties have reached a preliminary settlement agreement in the above-
18 referenced matter and are currently conducting confirmatory discovery.

19 WHEREAS, the Parties desire the adjournment of the deadline for any response to the
20 Complaint until after the conclusion of confirmatory discovery;

21 WHEREAS, the Parties desire the adjournment of the Initial Case Management
22 Conference until after the conclusion of confirmatory discovery;

23 NOW THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE
24 PARTIES HERETO, THROUGH THEIR COUNSEL OF RECORD, AND SUBJECT TO
25 APPROVAL OF THE COURT, AS FOLLOWS:

1 1. The Initial Case Management Conference shall be adjourned to a date to be
2 determined by the Court; and

3 2. Defendants' deadline to answer, move to dismiss, or otherwise respond to the
4 Complaint shall be adjourned indefinitely, with the parties to confer on a new deadline in the
5 event that the settlement is not consummated.

6 Stipulated by and between the following:

7 DATED: May 2, 2016

FARUQI & FARUQI, LLP

8 By: /s/ Barbara A. Rohr

9

Barbara A. Rohr SBN 273353
Benjamin Heikali SBN 307466
10 **FARUQI & FARUQI, LLP**
10866 Wilshire Boulevard, Suite 1470
11 Los Angeles, CA 90024
Telephone: 424-256-2884
12 Facsimile: 424-256-2885
E-mail: brohr@faruqilaw.com
13 bheikali@faruqilaw.com

14 Counsel for Plaintiff

15 DATED: May 2, 2016

DAVIS POLK & WARDWELL, LLP

16 By: /s/ Neal A. Potischman

17

Neal A. Potischman (SBN 254862)
Andrew David Yaphe (SBN 274172)
18 Jayeeta Kundu (SBN 291599)
Micah Galvin Block (SBN 270712)
19 1600 El Camino Real
Menlo Park, California 94025
20 Telephone: (650) 752-2000
21 Facsimile: (650) 752-2111

22 Counsel for Defendants Affymetrix, Inc., Frank
23 Witney, Nelson Chan, Gary Guthart, Jami
Nachtsheim, Riccardo Pigiucci, Merilee
24 Raines, and Robert Trice

1 PURSUANT TO STIPULATION, IT IS SO ORDERED:

- 2 1. The Initial Case Management Conference will be adjourned until
3 July 19 _____, 2016.
- 4 2. Defendants' deadline to answer, move to dismiss, or otherwise respond to the
5 Complaint shall be adjourned indefinitely, with the parties to confer on a new
6 deadline in the event that the settlement is not consummated.

7 DATED: May 4, 2016

8 

9 _____
10 Honorable William H. Orrick
11 United States District Judge