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 8 BIOTECHNOLOGY VALUE FUND II, L.P.,  
 9 INVESTMENT 10, L.L.C.  
 10 MSI BVF SPV, LLC,  
 BVF PARTNERS, L.P.,  
 BVF INC.,  
 MARK N. LAMPERT, and  
 MAGNITUDE CAPITAL, LLC

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18 Attorneys for Plaintiff

19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**  
 21 **SAN FRANCISCO DIVISION**

23 BRIAN B. SAND & ZACHARY B. SAND  
 24 JOINT TRUST  
 25  
 26 v.  
 27 BIOTECHNOLOGY VALUE FUND, L.P., ET  
 28 AL.,  
 Defendants.

Case No. 3:16-CV-01313-RS

**STIPULATION AND [~~PROPOSED~~]  
 ORDER TO MODIFY TIME TO  
 RESPOND TO AMENDED  
 COMPLAINT AND TO CONTINUE  
 CASE MANAGEMENT  
 CONFERENCE**

The Hon. Richard Seeborg

1           WHEREAS, the Court entered its Order Granting Motion to Dismiss, With Leave to  
2 Amend on March 3, 2017 (Dkt. 59);

3           WHEREAS, Plaintiff filed an Amended Complaint on March 23, 2017 (Dkt. 60);

4           WHEREAS, the Amended Complaint asserts violations of Section 16(b) of the Securities  
5 Exchange Act of 1934 against defendants Biotechnology Value Fund, L.P., Biotechnology Value  
6 Fund II, L.P., Investment 10, L.L.C., MSI BVF SPV, LLC (sued incorrectly as “MSI BVF SPV  
7 INC.”), BVF Partners, L.P., BVF Inc., and Mark N. Lampert, (collectively, the “Original  
8 Defendants”), as well as against newly-added defendant Magnitude Capital, LLC (“Magnitude,”  
9 and collectively with the Original Defendants, the “Defendants”) (Dkt. 60);

10           WHEREAS, Original Defendants are currently due to answer or otherwise respond to the  
11 Amended Complaint by April 6, 2017 (Fed. R. Civ. P. 15(a)(3));

12           WHEREAS, on March 29, 2017, Magnitude agreed to Plaintiff’s request to waive service  
13 of the summons and the Amended Complaint;

14           WHEREAS, Magnitude is currently due to answer or otherwise respond to the Amended  
15 Complaint by May 30, 2017 (Fed. R. Civ. P. 4(d)(3));

16           WHEREAS, Defendants intend to file a single, joint motion to dismiss the Amended  
17 Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6);

18           WHEREAS, in the interest of judicial economy and the economy of the parties, Plaintiff  
19 and Defendants wish to modify the default briefing schedule for Defendants’ motion to dismiss;

20           WHEREAS, in the interest of judicial economy and the economy of the parties, Plaintiff  
21 and Defendants also seek an order continuing the May 4, 2017, Case Management Conference,  
22 (*see* Dkt. 59), pending the Court’s decision on Defendants’ forthcoming motion to dismiss the  
23 Amended Complaint;

24           WHEREAS, there is no other scheduled date that would be affected by the proposed  
25 changes;

26           **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned  
27 attorneys for Plaintiff and the undersigned attorneys for Defendants, that the parties respectfully  
28

1 request, pursuant to Local Rules 6-2 and 7-12, that the case schedule be changed as follows:

- 2 1. Defendants' motion to dismiss the Amended Complaint on behalf of all
- 3 Defendants shall be due April 20, 2017;
- 4 2. Plaintiff's opposition to Defendants' motion to dismiss shall be due May 18, 2017;
- 5 3. Defendants' reply in support of their motion to dismiss shall be due June 1, 2017;
- 6 and
- 7 4. The May 4, 2017, Case Management Conference shall be continued pending the
- 8 Court's decision on Defendants' motion to dismiss the Amended Complaint.

9  
10 **HOGAN LOVELLS US LLP**

11 Dated: March 31, 2017

By: /s/ Robert B. Hawk

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BVF SPV, LLC, BVF Partners, L.P., BVF  
Inc., Mark N. Lampert, and Magnitude  
Capital, LLC*

**ABRAHAM, FRUCHTER & TWERSKY LLP**

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Dated: March 31, 2017

By: /s/ Cassandra L. Porsch

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**PROPOSED ORDER**

Pursuant to the stipulation of the parties and good cause appearing, the stipulation between Plaintiffs and Defendants is granted, and:

1. Defendants' motion to dismiss the Amended Complaint on behalf of all Defendants shall be due April 20, 2017;
2. Plaintiff's opposition to Defendants' motion to dismiss shall be due May 18, 2017;
3. Defendants' reply in support of their motion to dismiss shall be due June 1, 2017; and
4. The May 4, 2017, Case Management Conference shall be continued pending the Court's decision on Defendants' motion to dismiss the Amended Complaint, or to such date that pleases the Court.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: April 4, 2017

  
The Honorable Richard Seeborg  
United States District Judge