

1 NINA F. LOCKER, State Bar No. 123838
 Email: nlocker@wsgr.com
 2 JEROME F. BIRN, JR., State Bar No. 128561
 Email: jbirn@wsgr.com
 3 JONI OSTLER, State Bar No. 230009
 Email: jostler@wsgr.com
 4 NICHOLAS R. MILLER, State Bar No. 274243
 Email: nmiller@wsgr.com
 5 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 6 650 Page Mill Road
 Palo Alto, CA 94304-1050
 7 Telephone: (650) 493-9300
 Facsimile: (650) 565-5100
 8

9 *Attorneys for Defendants Intrexon Corporation,*
Randal J. Kirk, and Rick L. Sterling

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION
 14

15 RYAN HOFFMAN, Individually and on behalf of)
 all others similarly situated,)
 16)
 Plaintiff,)
 17)
 v.)
 18)
 INTREXON CORPORATION, RANDAL J.)
 19 KIRK, and RICK L. STERLING,)
 20)
 Defendants.)
 21)
 22)
 _____)

CASE NO.: 3:16-cv-02398-RS

STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND TIME TO
 RESPOND TO COMPLAINT

23
 24
 25
 26
 27
 28
 STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME
 TO RESPOND TO COMPLAINT
 CASE NO.: 3:16-cv-02398-RS

1 WHEREAS, on May 3, 2016, Plaintiff Ryan Hoffman individually and on behalf of all
2 others similarly situated, filed a Class Action Complaint for Violations of the Federal Securities
3 Laws (“Complaint”) against Intrexon Corporation (“Intrexon”) and certain of its current
4 executives, Randal J. Kirk and Rick L. Sterling (collectively, “Defendants”);

5 WHEREAS, on May 5, 2016, a substantively similar complaint with the caption *Patrick*
6 *M. Gibrall et al. v. Intrexon et al.* (Case No. 3:16-cv-02457-RS) (the “*Gibrall* Action”) was filed
7 with the Court;

8 WHEREAS, on June 14, 2016 Plaintiff Hoffman served Intrexon and Intrexon’s response
9 to the Complaint is currently due on July 5, 2016;

10 WHEREAS, this action is governed by the provisions of the Private Securities Litigation
11 Reform Act of 1995 (“PSLRA”), 15 U.S.C. §78u-4 *et seq.*, and the parties anticipate that the
12 Court will consolidate the *Gibrall* and *Hoffman* actions and will appoint a lead plaintiff, and that
13 the court-appointed lead plaintiff will file a consolidated complaint superseding previously filed
14 complaints, including the Complaint; and

15 WHEREAS, the parties agree that efficiency for the Court and the parties in proceeding
16 under the PSLRA dictates that responding to the current Complaint should be deferred in light of
17 the foregoing.

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
19 respective parties hereto, that:

20 1. Wilson Sonsini Goodrich & Rosati PC, counsel for Defendants, has been
21 authorized to, and has, accepted service of the Summons and Complaint in this action on behalf
22 of Defendants Randal J. Kirk and Rick L. Sterling;

23 2. Defendants shall not be required to, and shall not waive any rights, arguments, or
24 defenses by waiting to answer, move, or otherwise respond to the Complaint in this action.

25 3. After the appointment of a lead plaintiff pursuant to 15 U.S.C. §78u-4(a)(3)(B),
26 lead plaintiff and Defendants shall promptly meet and confer regarding a schedule for the filing
27 of a consolidated complaint or designation of an operative complaint, and a briefing schedule for
28

Defendants' anticipated motion(s) to dismiss. The parties shall submit a joint stipulation with a proposed schedule no later than ten (10) business days following the appointment of lead plaintiff.

4. This Stipulation is entered into without prejudice to any party seeking any interim relief.

5. Nothing in this Stipulation shall be construed as a waiver of any of Defendants' rights or positions in law or in equity, or as a waiver of any defenses that Defendants would otherwise have, including, without limitation, jurisdictional defenses.

IT IS SO STIPULATED.

DATED: June 29, 2016

WILSON SONSINI GOODRICH & ROSATI
PROFESSIONAL CORPORATION

/s/ Joni Ostler
JONI OSTLER

650 Page Mill Road
Palo Alto, CA 94304
Telephone (650) 493-9300
Facsimile: (650) 565-5100
Email: nlocker@wsgr.com
jbirn@wsgr.com
jostler@wsgr.com
nmiller@wsgr.com

*Attorneys for Defendants Intrexon Corporation,
Randal J. Kirk, and Rick L. Sterling*

DATED: June 29, 2016

THE ROSEN LAW FIRM, P.A.

/s/ Laurence M. Rosen
LAURENCE M. ROSEN, ESQ.

355 S. Grand Avenue, Suite 2450
Los Angeles, CA 90071
Telephone: (213) 785-2601
Facsimile (213) 226-4684
Email: lrosen@rosenlegal.com

1 **~~PROPOSED~~ ORDER**

2 **GOOD CAUSE HAVING BEEN SHOWN**, it is hereby ordered that:

3 1. Defendants shall not be required to, and shall not waive any rights, arguments, or
4 defenses by waiting to answer, move, or otherwise respond to the Complaint in this action.

5 2. After the appointment of a lead plaintiff pursuant to 15 U.S.C. §78u-4(a)(3)(B),
6 lead plaintiff and Defendants shall promptly meet and confer regarding a schedule for the filing
7 of a consolidated complaint or designation of an operative complaint, and a briefing schedule for
8 Defendants' anticipated motion(s) to dismiss. The parties shall submit a joint stipulation with a
9 proposed schedule no later than ten (10) business days following the appointment of lead
10 plaintiff.

11 3. This Order is entered into without prejudice to any party seeking any interim
12 relief.

13 4. Nothing in this Order shall be construed as a waiver of any of Defendants' rights
14 or positions in law or in equity, or as a waiver of any defenses that Defendants would otherwise
15 have, including, without limitation, jurisdictional defenses.

16 **IT IS SO ORDERED.**

17
18 DATED: 6/29/16


HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE