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Anthera Pharmaceuticals, Inc., Paul F. Truex,  
8 Craig Thompson, May Liu, and William Shanahan

9 [Additional Counsel on Signature Page]

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

13 BRIAN CLEVLEN, individually and on behalf  
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 ANTHERA PHARMACEUTICALS, INC.,  
18 PAUL F. TRUEX, CRAIG THOMPSON,  
MAY LIU and WILLIAM SHANAHAN,

19 Defendants.

Case No.: 3:17-cv-00715-RS

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
TO CONTINUE INITIAL CMC, RESET  
RELATED DEADLINES AND EXTEND  
DEFENDANTS' TIME TO ANSWER OR  
OTHERWISE RESPOND TO THE  
COMPLAINT**

Judge: Hon. Richard Seeborg  
Courtroom: 3—17<sup>th</sup> Floor

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**STIP AND [PROPOSED] ORDER TO CONTINUE INITIAL CMC, RESET RELATED  
DEADLINES AND EXTEND DEFENDANTS' TIME TO ANSWER OR OTHERWISE  
RESPOND TO THE COMPLAINT**

Case No.: 3:17-cv-00715-RS

1 Defendants Anthera Pharmaceuticals, Inc. (“Anthera”), Paul F. Truex, Craig Thompson, May  
2 Liu, and William Shanahan (collectively, the “Defendants”) and Plaintiff Brian Clevlen, individually  
3 and on behalf of all others similarly situated (“Plaintiff” and, together with Defendants, the  
4 “Parties”), through their respective undersigned counsel, HEREBY STIPULATE AND AGREE AS  
5 FOLLOWS:

6 WHEREAS, on February 13, 2017, Plaintiff initiated this action by filing a Class Action  
7 Complaint for Violations of Federal Securities Laws (the “Complaint”) in the United States District  
8 Court for the Northern District of California, purportedly brought on behalf of all persons who  
9 purchased Anthera common stock between February 10, 2015 and December 27, 2016;

10 WHEREAS, the Private Securities Litigation Reform Act of 1995 (the “PSLRA”) sets forth  
11 mandatory, comprehensive, and specific procedures governing the selection of a lead plaintiff to  
12 oversee class actions brought under the federal securities laws. *See* 15 U.S.C. §§ 78u-4, *et seq.*

13 WHEREAS, the PSLRA requires that notice of the commencement of an action be given to  
14 permit other putative class members (who may seek to serve as lead plaintiff on behalf of the class)  
15 the opportunity to file motions: (a) to be appointed lead plaintiff to oversee and direct the  
16 prosecution of the action; and (b) to consolidate other complaints which may be filed arising from  
17 the same nexus of operative facts. *See* 15 U.S.C. §§ 78u-4(a)(3)(A) & (B). Under the PSLRA, this  
18 notice must be given within twenty (20) days after the filing of the securities fraud class action, and  
19 prospective lead plaintiffs are given sixty (60) days from the publication of notice to move for  
20 appointment as lead plaintiff. 15 U.S.C. § 78u-4(a)(3)(A)(i). Thereafter, the Court may rule upon  
21 the competing motions, applying the statutory framework in 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I).

22 WHEREAS, Plaintiff anticipates after the appointment of the lead plaintiff, lead plaintiff will  
23 file a consolidated amended complaint;

24 WHEREAS, in effect, this action cannot be prosecuted against any defendant until this Court  
25 first selects a lead plaintiff and lead counsel to represent the putative class;

26 WHEREAS, it would be more efficient to extend the time for Defendants to answer or  
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1 otherwise respond to the Complaint in the action until after the Court's appointment of a lead  
2 plaintiff and lead plaintiff's designation of an operative complaint or filing of an amended  
3 complaint;

4 WHEREAS, to avoid causing Plaintiff to incur the costs and delay associated with serving  
5 Defendants Paul F. Truex, Craig Thompson, May Liu, and William Shanahan (collectively, the  
6 "Individual Defendants"), counsel for Defendants has agreed to accept service of the Complaint on  
7 the Individual Defendants' behalf;

8 WHEREAS, the parties believe that, because the PSLRA stays all discovery, including initial  
9 disclosures, pending the disposition of motions to dismiss in securities actions such as this one, it is  
10 appropriate to defer the initial case management conference and the completion of initial disclosures  
11 until the lead plaintiff has been appointed, the lead plaintiff's selection of lead counsel has been  
12 approved, the lead plaintiff has filed a consolidated amended complaint, Defendants have had the  
13 opportunity to file any motion to dismiss, and the Court has ruled on Defendants' anticipated motion  
14 to dismiss. *See, e.g., Medhekar v. United States Dist. Court*, 99 F.3d 325, 328-29 (9th Cir. 1996)  
15 (holding F.R.C.P. 26(a)'s initial disclosure requirements are disclosures or other proceedings for  
16 purposes of PSLRA's stay provision, and must be stayed pending disposition of motion to dismiss).

17 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
18 Parties, through their respective counsel of record, that:

19 1. Defendants need not answer, move or otherwise respond to the Complaint in this  
20 action until a date to be set following the appointment of a lead plaintiff pursuant to 15 U.S.C. §  
21 78u-4(a)(3)(B) and the filing by such lead plaintiff of an amended complaint.

22 2. The Initial Case Management Conference shall be held thirty (30) days after an  
23 order directing Defendants to file an answer (if any), or as soon as possible thereafter consistent  
24 with the Court's schedule.

25 3. This Stipulation is entered into without prejudice to any party seeking any  
26 interim relief.

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

4           5.           The Parties have not sought any other extensions of time in this action.

5           6.           The Parties do not seek to reset these dates for the purpose of delay, and  
6 the proposed new dates will not have an effect on any pre-trial and trial dates as the Court has yet  
7 to schedule these dates.

8           WHEREFORE, the Parties respectfully request that this Court issue an order granting the  
9 Parties' request to reset the Initial Case Management Conference and related deadlines as set forth  
10 herein.

11           **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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13 DATED: March 8, 2017

GOODWIN PROCTER LLP

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16 /s/ Michael T. Jones

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Pharmaceuticals, Inc., Paul F. Truex, Craig  
Thompson, May Liu, and William Shanahan*

1 DATED: March 8, 2017

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21 *and on behalf of all others similarly situated*  
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## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 9, 2017

  
THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE