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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEONARD DESILVIO,
Plaintiff,
v.
LION BIOTECHNOLOGIES, INC., et al.,
Defendants.

Case No. [17-cv-02086-SI](#)

**ORDER APPOINTING LEAD
PLAINTIFF AND LEAD COUNSEL**

Re: Dkt. Nos. 10, 13, 20

Before the Court are three motions. Dkt. Nos. 10, 13, 20.¹ The motions seek consolidation of two related actions, *Desilvio v. Lion Biotechnologies, Inc.*, 17-cv-2086-SI and *Kuc v. Lion Biotechnologies, Inc.*, 17-cv-2188-SI. Three separate movants each originally sought appointment as lead plaintiff in this putative securities class action. The movants are: (1) Kimberly Colautti and Michele Rosati (together, “Colautti and Rosati”), Dkt. No. 10; (2) Jay Rabkin (“Rabkin”), Dkt. No. 13; and (3) Su Yee Lynn Ho, Sriram Sundareswaran, Manfred E. Strauch, and Kevin Fong (together, the “Lion Investor Group” or “LIG”), Dkt. No. 20. However, Colautti and Rosati filed a statement of non-opposition to the competing motions, Dkt. No. 24, and the Lion Investor Group has withdrawn its motion, Dkt. No. 37. In addition, the plaintiff in the *Kuc* action has voluntarily dismissed that case. *See Kuc*, 3:17-cv-2188-SI, Dkt. No. 11.

Pursuant to Civil Local Rule 7-1(b), the Court determines that this matter is appropriate for resolution without oral argument and VACATES the hearing scheduled for July 28, 2017. The Court hereby GRANTS Rabkin’s unopposed motion for appointment as lead counsel, GRANTS Rabkin’s request for appointment of Kessler Topaz as class counsel, DENIES Colautti and Rosati’s and LIG’s competing motions, and DENIES AS MOOT the motions to consolidate.

¹ Unless otherwise noted, ECF docket entries refer to the *Desilvio* action, 3:17-cv-2086-SI.

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The *Desilvio* complaint is now the operative complaint in this case. To the extent he has not already done so, plaintiff is hereby ORDERED to serve defendant with the complaint. Defendants then have either 21 days from the date of service or 21 days from the date of this order, whichever is later, to file a responsive pleading or motion.

This order resolves Dkt. Nos. 10, 13, 20.

IT IS SO ORDERED.

Dated: July 26, 2017



SUSAN ILLSTON
United States District Judge