

1 ROBBINS ARROYO LLP
 BRIAN J. ROBBINS (190264)
 2 brobbins@robbinsarroyo.com
 GEORGE C. AGUILAR (126535)
 3 gaguil@robbinsarroyo.com
 LINDSEY C. HERZIK (313859)
 4 lherzik@robbinsarroyo.com
 600 B Street, Suite 1900
 5 San Diego, CA 92101
 Telephone: (619) 525-3990
 6 Facsimile: (619) 525-3991

7 Attorneys for Plaintiff John Solak

8 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 9 MICHAEL A. MUGMON (251958)
 michael.mugmon@wilmerhale.com
 10 950 Page Mill Road
 Palo Alto, CA 94304
 11 Telephone: (650) 858-6000
 Facsimile: (650) 858-6100

12 Attorneys for Defendants

13 [additional counsel appear on signature page]

14

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

17 JOHN SOLAK, Derivatively on Behalf of
 18 DEPOMED, INC.,

Plaintiff,

19 v.

20 ARTHUR J. HIGGINS, AUGUST J.
 MORETTI, JAMES P. FOGARTY, PETER
 21 D. STAPLE, KAREN A. DAWES, LOUIS J.
 LAVIGNE, JR., JAMES L. TYREE, JAMES
 22 A. SCHOENECK, DAVID B. ZENOFF,
 SAMUEL R. SAKS, VICENTE ANIDO, JR.,
 23 and ROBERT G. SAVAGE,

Defendants,

-and-

25 DEPOMED, INC., a California corporation,

26 Nominal Defendant.

27

28

Case No. 3:17-cv-06546-JST

STIPULATION AND ~~PROPOSED~~
ORDER OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE

Hon. Jon S. Tigar

1 Plaintiff John Solak ("Plaintiff"), defendants Arthur J. Higgins, August J. Moretti, James
2 P. Fogarty, Peter D. Staple, Karen A. Dawes, Louis J. Lavigne, Jr., James L. Tyree, James A.
3 Schoeneck, David B. Zenoff, Samuel R. Saks, Vicente Anido, Jr., and Robert G. Savage (the
4 "Individual Defendants") and nominal defendant Depomed, Inc. ("Depomed," and collectively
5 with the Individual Defendants, "Defendants"),¹ through their respective counsel of record,
6 submit this stipulation and ~~proposed~~ order to voluntarily dismiss this action without prejudice.

7 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties,
8 through their undersigned counsel, pursuant to Rules 23.1(c) and 41(a)(1)(A)(ii) of the Federal
9 Rules of Civil Procedure and subject to the Court's approval, that:

- 10 1. This action shall be dismissed in its entirety without prejudice; and
11 2. Each Party shall bear his, her, or its own costs, fees, and expenses, including
12 attorneys' fees.

13 **IT IS SO STIPULATED.**

14 Dated: December 7, 2017

ROBBINS ARROYO LLP

s/ George C. Aguilar

George C. Aguilar

Brian J. Robbins

Lindsey Herzik

600 B Street, Suite 1900

San Diego, CA 92101

Telephone: (619) 525-3990

Facsimile: (619) 525-3991

gaguilar@robbinsarroyo.com

brobbins@robbinsarroyo.com

lherzik@robbinsarroyo.com

Attorneys for Plaintiff John Solak

22 Dated: December 7, 2017

WILMER CUTLER PICKERING
HALE AND DORR LLP

s/Michael A. Mugmon

Michael A. Mugmon

950 Page Mill Road

27 ¹ Plaintiff and Defendants are collectively referred to herein as the "Parties."
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Palo Alto, CA 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6100
michael.mugmon@wilmerhale.com

WILMER CUTLER PICKERING
HALE AND DORR LLP
Rebecca A. Girolamo (SBN: 293422)
350 South Grand Avenue, Suite 2100
Los Angeles, CA 90071
Telephone: (213) 443-5300
Facsimile: (213) 443-5400
rebecca.girolamo@wilmerhale.com

Attorneys for Defendants Arthur J. Higgins,
August J. Moretti, James P. Fogarty, Peter D.
Staple, Karen A. Dawes, Louis J. Lavigne, Jr.,
James L. Tyree, James A. Schoeneck, David B.
Zenoff, Samuel R. Saks, Vicente Anido, Jr.,
Robert G. Savage, and nominal defendant
Depomed, Inc.

I, George C. Aguilar, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order of Voluntary Dismissal Without Prejudice. In compliance with Civil L.R. 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

s/ George C. Aguilar
GEORGE C. AGUILAR

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 7, 2017


HONORABLE JON S. VIGOR
UNITED STATES DISTRICT JUDGE