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15 *Counsel for Defendants Ocera Therapeutics, Inc.,*
 16 *Eckard Weber, Linda S. Grais, Willard Dere,*
 17 *Steven P. James, Nina Kjellson, Anne M. VanLent,*
 18 *and Wendell Wierenga*

19 [Additional counsel appear on signature page.]

20 **UNITED STATES DISTRICT COURT**
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 ANTHONY FRANCHI, Individually and
 23 On Behalf of All Others Similarly Situated,

24 Plaintiff,

25 v.

26 OCERA THERAPEUTICS, INC.,
 27 ECKARD WEBER, LINDA S. GRAIS,
 28 WILLARD DERE, STEVEN P. JAMES,
 NINA KJELLSON, ANNE M.
 VANLENT, WENDELL WIERENGA,
 MAK LLC, MEH ACQUISITION CO.,
 and MALLINCKRODT PLC,

Defendants.

Case No. 3:17-cv-06636-EMC

STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE AND CONTINUING DATE
OF HEARING ON PLAINTIFF'S
MOTION FOR AN AWARD OF
ATTORNEY'S FEES AND EXPENSES

Date: March 29, 2018

Time: 1:30 P.M.

Courtroom: 5, 17th Floor

Judge: Hon. Edward M. Chen

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Anthony Franchi (“Plaintiff”) and
2 Defendants Ocera Therapeutics, Inc., Eckard Weber, Linda S. Grais, Willard Dere, Steven P. James,
3 Nina Kjellson, Anne M. VanLent, Wendell Wierenga, MAK LLC, MEH Acquisition Co., and
4 Mallinckrodt PLC (“Defendants,” and together with Plaintiff, the “Parties”), by and through their
5 undersigned counsel, hereby stipulate to set the briefing schedule and continue the hearing date
6 regarding Plaintiff’s Motion for An Award of Attorney’s Fees and Expenses (the “Motion”) (Dkt.
7 Nos. 12 and 13) in the above-captioned action, as follows:

8 WHEREAS, this case was filed as a putative class action on November 17, 2017, by Anthony
9 Franchi, a putative stockholder of Ocera Therapeutics, Inc. (“Ocera”), captioned *Anthony Franchi v.*
10 *Ocera Therapeutics, Inc. et al.*, Case No. 3:17-cv-06636-EMC (the “Action”) (Dkt. No. 1), alleging
11 violations of Sections 14(e), 14(d), and 20(a) of the Securities Exchange Act of 1934 and related
12 regulations with respect to disclosures in a Schedule 14D-9 Solicitation/Recommendation Statement
13 (the “Recommendation Statement”) soliciting stockholder approval of a merger with Mallinckrodt
14 PLC through its subsidiaries;

15 WHEREAS, Defendants have not been served in this Action;

16 WHEREAS, on February 8, 2018, Plaintiff filed a Notice of Voluntary Dismissal of the
17 Action (Dkt. No. 11);

18 WHEREAS, on February 22, 2018, Plaintiff filed the Motion, and initially noticed the
19 hearing on the Motion for March 29, 2018 at 1:30 p.m. before this Court;

20 WHEREAS, Defendants intend to oppose the Motion;

21 WHEREAS, this Action has been voluntarily dismissed and no other motions or deadlines
22 are pending in this Action;

23 WHEREAS, the Parties agree and respectfully submit that continuing the date of the hearing
24 on the Motion, and resetting the briefing schedule concerning the Motion, would provide the Parties
25 and the Court additional time necessary to adequately address and assess the Motion; and

26 WHEREAS, the Parties do not seek to stipulate to the following schedule for the purpose of
27 delay;

28

1 NOW, THEREFORE, the Parties stipulate and agree, subject to the Court's approval, as
2 follows:

3 1. Defendants shall file a consolidated brief in opposition to the Motion not to exceed 25
4 pages on or before March 29, 2018;

5 2. If Defendants file a brief in opposition to the Motion, Plaintiff shall file his reply brief
6 on or before April 20, 2018;

7 3. The hearing on the Motion shall take place on May 3, 2018 at 1:30 p.m., or soon
8 thereafter as the Court finds appropriate;

9 4. Defendants are specially appearing and entering into this Stipulation solely for the
10 limited purpose of agreeing on scheduling with respect to the Motion, and nothing in this Stipulation
11 shall be construed as a waiver of any of Defendants' rights or positions in law or equity, or as a
12 waiver of any defenses that Defendants would otherwise have, including rights and defenses related
13 to the absence of service on Defendants in this Action.

14
15
16 DATED: March 8, 2018

Respectfully submitted,

/s/ Michael T. Jones
Michael T. Jones

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*Counsel for Defendants Counsel for
Defendants Ocera Therapeutics, Inc.,
Eckard Weber, Linda S. Grais, Willard Dere,*

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Steven P. James, Nina Kjellson, Anne M. VanLent, and Wendell Wierenga

DATED: March 8, 2018

/s/ Christin J. Hill
Christin J. Hill

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DATED: March 8, 2018

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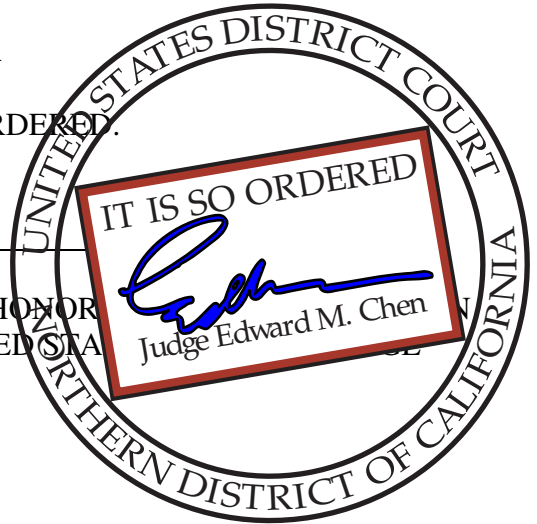
* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 8, 2018

THE HONORABLE
UNITED STATES



Judge Edward M. Chen

ATTORNEY ATTESTATION

I hereby attest, pursuant to Civil Local Rule 5-1(i)(3), that I obtained the concurrence in the filing of this document from the signatories indicated by the conformed signatures (/s/) of Joel E. Elkins and Christin J. Hill.

DATED: March 8, 2018

By: /s/ Michael T. Jones
Michael T. Jones

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 8, 2018, I authorized the electronic filing of the foregoing with
3 the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of
4 record.

5 By: /s/ Michael T. Jones
6 Michael T. Jones

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