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

13 IN RE OCERA THERAPEUTICS, INC.  
 14 SECURITIES LITIGATION

Lead Case No. 3:17-cv-06687-RS

**JOINT STIPULATION TO  
 CONTINUE INITIAL CASE  
 MANAGEMENT CONFERENCE  
 AND ~~PROPOSED~~ ORDER**

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1 Pursuant to Civil Local Rule 6-2 and 7-12, co-lead plaintiffs Samuel P. Clarke and  
2 William Paulus (“Plaintiffs”) and defendants Ocera Therapeutics, Inc., Eckard Weber, Linda  
3 Grais, Willard Dere, Steven James, Nina Kjellson, Anne VanLent, and Wendell Wierenga,  
4 (“Defendants,” and together with Plaintiffs, the “Parties”), by and through their undersigned  
5 counsel of record, hereby stipulate to set the pleading and briefing schedule in the above-  
6 captioned action.

7 WHEREAS, this case was filed on November 20, 2017, by Samuel P. Clarke, a  
8 stockholder of Ocera Therapeutics, Inc. (“Ocera”), as a putative class action, captioned *Samuel P.*  
9 *Clarke v. Ocera Therapeutics, Inc. et al.*, Case No. 3:17-cv-06687 (the “Clarke Action”);

10 WHEREAS, on March 27, 2018, the Court consolidated the *Clarke* Action with a related  
11 action, and appointed Plaintiffs as co-lead plaintiffs for the putative class (Dkt. No. 24). The case  
12 is now captioned, *In re Ocera Therapeutics, Inc. Securities Litigation*, Lead Case No. 3:17-cv-  
13 06687-RS (the “Action”);

14 WHEREAS, on April 26, 2018, Plaintiffs filed a Consolidated Complaint (the  
15 “Complaint”), which alleges violations of Section 14(e) and Section 20(a) of the Securities  
16 Exchange Act of 1934 and related regulations (Dkt. No. 25);

17 WHEREAS, Defendants’ deadline to respond to the Complaint is June 11, 2018;

18 WHEREAS, Defendants intend to file a motion to dismiss the Complaint on June 11,  
19 2018;

20 WHEREAS, pursuant to the Scheduling Order (Dkt. No 14), the motion to dismiss will be  
21 fully briefed on or before August 27, 2018;

22 WHEREAS, the initial Case Management Conference (“CMC”) for this Action was set  
23 for February 22, 2018, (Dkt. No. 5), and later continued to March 1, 2018 (Dkt. No. 10), and  
24 again continued to June 28, 2018 (Dkt No. 14);

25 WHEREAS, the Parties believe that because the PSLRA stays all discovery, including  
26 initial disclosures, pending the disposition of motions to dismiss in securities actions such as this  
27 one, it is appropriate to defer the initial case management statement, initial case management  
28 conference, and the completion of initial disclosures until the Court has ruled on Defendants’

1 anticipated motion to dismiss. *See, e.g., Medhekar v. United States Dist. Court*, 99 F.3d 325, 328–  
2 29 (9th Cir. 1996) (holding Fed. R. Civ. P. 26(a)’s initial disclosure requirements are disclosures  
3 or other proceedings for purposes of PSLRA’s stay provision, and must be stayed pending  
4 disposition of motion to dismiss);

5 WHEREFORE, because this case will not be at issue until after the Defendants’ motion to  
6 dismiss is fully briefed and decided—and even then only if the pleading is sustained—the Parties  
7 agree and respectfully submit that a continuance of the initial CMC for at least 120 days would be  
8 reasonable and propose a continuance from June 28, 2018 to October 25, 2018.

9 WHEREFORE, this Stipulation is entered into without prejudice to any party seeking any  
10 interim relief;

11 WHEREFORE, nothing in this Stipulation shall be construed as a waiver of any of  
12 Defendants’ rights or positions in law or equity, or as a waiver of any defenses that Defendants  
13 would otherwise have, including, without limitation, jurisdictional defenses; and

14 WHEREFORE, the Parties do not seek to stipulate to the foregoing schedule for the  
15 purpose of delay, and the proposed dates will not have an effect on any pre-trial and trial dates as  
16 the Court has yet to schedule these dates.

1 Dated: June 7, 2018

Respectfully submitted,

3 /s/ Christin J. Hill

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*Counsel for Plaintiffs*

24 **FILER'S ATTESTATION**

25 Pursuant to Civil Local Rule 5-1 regarding signatures, I attest under penalty of perjury that  
26 the concurrence in the filing of this document has been obtained from all signatories.

27 /s/ Christin J. Hill  
28 Christin J. Hill

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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 6/8/18



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THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE