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9 Attorneys for Defendants
 10 THRESHOLD PHARMACEUTICALS, INC.,
 11 HAROLD E. "BARRY" SELICK
 12 and JANET I. SWEARSON

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

16 JERRY TWINDE, On Behalf of Himself and All
 17 Others Similarly Situated,

18 Plaintiff,

19 v.

20 THRESHOLD PHARMACEUTICALS, INC.,
 21 HAROLD E. "BARRY" SELICK and JANET I.
 22 SWEARSON

23 Defendants.

) Case No.: 4:07-CV-04972-CW

) CLASS ACTION

) **STIPULATION AND ORDER**
) **REVISING SCHEDULE FOR**
) **DEFENDANTS' RESPONSE TO**
) **PLAINTIFF'S CONSOLIDATED**
) **SECOND AMENDED COMPLAINT,**
) **AND RESCHEDULING HEARING**
) **AND CASE MANAGEMENT**
) **CONFERENCE**

24 RAYNOLD L. GILBERT, On Behalf of Himself
 25 and All Others Similarly Situated,

26 Plaintiff,

27 v.

28 THRESHOLD PHARMACEUTICALS, INC.,
 HAROLD E. "BARRY" SELICK and JANET I.
 SWEARSON

Defendants.

) The Honorable Claudia Wilken

1 WHEREAS on July 11, 2008, the Court issued its order granting defendants' motion to
2 dismiss plaintiff's Consolidated Amended Class Action Complaint, granting lead plaintiff's motion
3 for leave to file an amended complaint within forty-five days, and setting a further case
4 management conference on October 16, 2008 at 2:00 p.m.; and

5 WHEREAS on August 22, 2008, the Court entered a stipulated order providing lead
6 plaintiff to and including September 19, 2008 to file a Consolidated Second Amended Class Action
7 Complaint, and providing that, upon the filing of the Second Amended Complaint the parties shall
8 submit a schedule for defendants' response to the Second Amended Complaint, and a briefing
9 schedule for defendants' anticipated motion to dismiss which shall include a proposed date for a
10 hearing and a further case management conference; and

11 WHEREAS on September 19, 2008, lead plaintiff timely filed the Consolidated Second
12 Amended Class Action Complaint; and

13 WHEREAS on September 30, 2008, the Court entered a stipulated order providing that
14 defendants shall have to and including November 7, 2008 to file and serve their response to the
15 Second Amended Complaint, and further providing that if defendants respond by motion to dismiss,
16 lead plaintiff shall have to and including December 15, 2008 to file and serve an opposition to
17 defendants' motion, and defendants shall have to and including January 15, 2009 to file and serve a
18 reply to lead plaintiff's opposition; and further providing that the hearing on defendants' motion to
19 dismiss plaintiff's Consolidated Second Amended Class Action Complaint shall be noticed for
20 January 29, 2009 at 2:00 p.m., and the case management conference be continued to January 29,
21 2009 at 2:00 p.m.; and

22 WHEREAS counsel for defendants has requested, and counsel for lead plaintiff has agreed,
23 that the schedule be extended by one week to accommodate defendants' counsel's recent transition
24 to new law offices; and

25 WHEREAS February 5, 2009 is presently showing as an available hearing date on the
26 Court's website;

27 IT IS THEREFORE HEREBY STIPULATED and agreed by and among the undersigned
28 counsel on behalf of their respective clients that, subject to Court order:

1 1. Defendants time to file and serve their response to the Second Amended Complaint shall
2 be extended to and including November 14, 2008; and

3 2. If defendants respond by motion to dismiss, lead plaintiff shall have to and including
4 December 22, 2008 to file and serve an opposition to defendants' motion, and defendants shall have
5 to and including January 22, 2009 to file and serve a reply to lead plaintiff's opposition; and

6 3. The hearing on defendants' motion to dismiss plaintiff's Consolidated Second Amended
7 Class Action Complaint shall be noticed for February 5, 2009 at 2:00 p.m.; and

8 4. The case management conference currently scheduled for January 29, 2009 at 2:00 p.m.
9 shall be continued to February 5, 2009 at 2:00 p.m.

10
11 SO STIPULATED.

12
13 DATED: November 3, 2008

HOGAN & HARTSON LLP

14
15 By /s/ Laurence A. Weiss

LAURENCE A. WEISS

16
17 Attorneys for Defendants
18 THRESHOLD PHARMACEUTICALS, INC.,
19 HAROLD E. "BARRY" SELICK
and JANET I. SWEARSON

20 DATED: November 3, 2008

COUGHLIN STOIA GELLER RUDMAN
& ROBBINS LLP

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25
26 By /s/ Dennis J. Herman

DENNIS J. HERMAN

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28 Attorneys for Lead Plaintiff

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I, Laurence A. Weiss, am the ECF User whose ID and password are being used to file this Stipulation And [Proposed] Order Revising Schedule For Defendants' Response To Plaintiff's Consolidated Second Amended Complaint, And Rescheduling Hearing And Case Management Conference. In compliance with General Order 45, X.B., I hereby attest that Dennis J. Herman has concurred in this filing.

/s/ Laurence A. Weiss
LAURENCE A. WEISS

* * *

ORDER

PURSUANT TO STIPULATION, and good cause appearing,

- 1. Defendants time to file and serve their response to the Second Amended Complaint shall be extended to and including November 14, 2008; and
- 2. If defendants respond by motion to dismiss, lead plaintiff shall have to and including December 22, 2008 to file and serve an opposition to defendants' motion, and defendants shall have to and including January 22, 2009 to file and serve a reply to lead plaintiff's opposition; and
- 3. The hearing on defendants' motion to dismiss plaintiff's Consolidated Second Amended Class Action Complaint shall be noticed for February 5, 2009 at 2:00 p.m.; and
- 4. The case management conference currently scheduled for January 29, 2009 at 2:00 p.m. shall be continued to February 5, 2009 at 2:00 p.m.

IT IS SO ORDERED.



DATED: 11/3/08

HONORABLE CLAUDIA WILKEN
United States District Court Judge