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 8 AND POPEO, P.C., and IVOR R. ELRIFI

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

<p>TETHYS BIOSCIENCE, INC.,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C., IVOR R. ELRIFI, and DOES 1 through 100,</p> <p style="text-align: right;">Defendants.</p>	<p>Case No. CV-09-05115 CW</p> <p>STIPULATION AND ORDER VACATING TRIAL DATE AND STAYING PROCEEDINGS</p> <p>Dept: Courtroom 2, 4th Floor Judge: Hon. Claudia Wilken</p> <p>Date Comp. Filed: August 28, 2009 Trial Date: October 17, 2011</p> <p>(Removed from Alameda County Superior Court, Case No. RG09471347)</p>
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Case No. CV-09-05115 CW

**STIPULATION AND ORDER VACATING
 TRIAL DATE AND STAYING
 PROCEEDINGS**

Dept: Courtroom 2, 4th Floor
 Judge: Hon. Claudia Wilken

Date Comp. Filed: August 28, 2009
 Trial Date: October 17, 2011

(Removed from Alameda County Superior
 Court, Case No. RG09471347)

1 This Stipulation is made pursuant to Local Rule 6-2 by and between Plaintiff Tethys
2 Biosciences, Inc. (“Tethys”), and Defendants Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo,
3 P.C. and Ivor R. Elrifi (collectively, “Mintz Levin”) through their respective attorneys. Tethys
4 and Mintz Levin (collectively, the “parties”) stipulate that:

5 1. The Court’s July 27, 2010 Case Management Order sets, *inter alia*, a March 1,
6 2011 deadline for the completion of fact discovery and a trial date of October 17, 2011.

7 2. There currently exist deadlines for responding to discovery requests pending
8 between the parties.

9 3. On November 18, 2010, the parties participated in an Early Neutral Evaluation
10 session before Roderick Thompson and reached a settlement agreement.

11 4. The parties are working diligently to execute a final settlement agreement.

12 5. In order to conserve the parties’ and the Court’s resources, the parties believe that
13 that the trial date should be vacated and that a 60-day stay of all discovery and other litigation
14 activity is appropriate pending execution of a final settlement agreement.

15 6. If the parties are unable to execute a final settlement agreement within sixty (60)
16 days, they will contact the Court with proposed alternative dates for the trial, discovery cut-off,
17 and associated case management deadlines.

18 7. There have been no prior modifications of the deadlines set forth in the Court’s
19 July 27, 2010 Case Management Order.

20 WHEREFORE, the parties stipulate and respectfully request that this Court enter the
21 attached [Proposed] Order vacating the trial date and staying all proceedings in this action for
22 sixty (60) days from the date of the Court’s Order to provide the parties the opportunity to
23 complete a final settlement agreement.

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Dated: January 18, 2011

KEKER & VAN NEST LLP

By: /s/ Steven K. Taylor
ELLIOT R. PETERS
STEVEN K. TAYLOR
Attorneys for Defendants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C., and
IVOR R. ELRIFI

Dated: January 18, 2011

TURNER BOYD LLP

By: /s/ Karen I. Boyd
JULIE S. TURNER
KAREN I. BOYD
Attorneys for Plaintiff
TETHYS BIOSCIENCE, INC.

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Steven K. Taylor, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER VACATING TRIAL DATE AND STAYING PROCEEDINGS. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Karen I. Boyd, Turner Boyd, LLP, Counsel for Plaintiff Tethys Bioscience, Inc.

/s/ Steven K. Taylor
Steven K. Taylor

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ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

All proceedings in this action, including discovery, shall be stayed for sixty (60) days from the date of this Order pending the parties' execution of a final settlement agreement.

IT IS SO ORDERED.

Dated: January 19, 2011



HON. CLAUDIA WILKEN
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF
CALIFORNIA