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

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

17 TETHYS BIOSCIENCE, INC.,

18 Plaintiff,

19 v.

20 MINTZ, LEVIN, COHN, FERRIS,
21 GLOVSKY AND POPEO, P.C., IVOR R.
22 ELRIFI, and DOES 1 through 100,

23 Defendants.

24 Case No. CV-09-05115 CW

25 **STIPULATION AND ORDER TO
26 EXTEND STAY OF PROCEEDINGS**

27 Dept: Courtroom 2, 4th Floor

28 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. On January 19, 2011, the Court granted a sixty-day stay of all discovery and other
6 litigation activity pending the parties’ execution of a final settlement agreement.

7 2. Since that time, the parties have worked diligently to execute a final settlement
8 agreement.

9 3. While the parties have narrowed their disputes, they have been unable to reach a
10 final settlement agreement.

11 4. The parties have engaged Roderick Thompson, who conducted an Early Neutral
12 Evaluation Session in this matter, to resolve the parties’ limited outstanding disputes through
13 mediation and arbitration.

14 5. The mediation and arbitration session before Mr. Thompson is scheduled for
15 March 31, 2011.

16 6. Scheduling conflicts prevented the parties and Mr. Thompson from scheduling the
17 mediation and arbitration session at an earlier date.

18 7. The sixty-day stay in this matter is set to expire on March 21, 2011.

19 8. In order to conserve the parties’ and the Court’s resources, the parties believe that
20 an additional 30-day extension of the stay of all discovery and other litigation activity is
21 appropriate pending execution of a final settlement agreement.

22 9. If the parties are unable to execute a final settlement agreement within the thirty
23 (30) day-extension, they will contact the Court with proposed case management deadlines.

24 10. The only prior modification of the deadlines set forth in the Court’s July 27, 2010
25 Case Management Order is the above-referenced January 19, 2011 Order granting the parties’
26 request for a 60-day stay.

27 WHEREFORE, the parties stipulate and respectfully request that this Court enter the
28 attached [Proposed] Order staying all proceedings in this action until April 21, 2011, to provide

1 the parties the opportunity to complete a final settlement agreement.

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3 Dated: March 15, 2011

KEKER & VAN NEST LLP

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

12 Dated: March 15, 2011

13 TURNER BOYD LLP

14 By: /s/ Julie S. Turner
15 JULIE S. TURNER
16 KAREN I. BOYD
17 Attorneys for Plaintiff
18 TETHYS BIOSCIENCE, INC.

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20 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

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

26 /s/ Steven K. Taylor
27 Steven K. Taylor

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

All proceedings in this action, including discovery, shall be stayed for an additional thirty (30) days, or until April 21, 2011 pending the parties' execution of a final settlement agreement.

IT IS SO ORDERED.

Dated: March 16, 2011

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