

1 KEKER & VAN NEST LLP
ELLIOT R. PETERS - #158708
2 epeters@kvn.com
STEVEN K. TAYLOR - #204668
3 staylor@kvn.com
JENNIFER A. HUBER - #250143
4 jhuber@kvn.com
710 Sansome Street
5 San Francisco, CA 94111-1704
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 Attorneys for Defendants
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
8 AND POPEO, P.C., and IVOR R. ELRIFI

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION
14

15 TETHYS BIOSCIENCE, INC.,

16 Plaintiff,

17 v.

18 MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C., IVOR R.
19 ELRIFI, and DOES 1 through 100,

20 Defendants.

Case No. CV-09-05115 CW

**STIPULATION AND ORDER TO
EXTEND STAY OF 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. 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,
GLOVSKY AND POPEO, P.C., and
IVOR R. ELRIFI

10 Dated: March 15, 2011

TURNER BOYD LLP

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

16 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

17 I, Steven K. Taylor, am the ECF user whose ID and password are being used to file this
18 STIPULATION AND [PROPOSED] ORDER VACATING TRIAL DATE AND STAYING
19 PROCEEDINGS. In compliance with General Order 45, X.B., I hereby attest that the following
20 attorneys have concurred in this filing: Julie S. Turner, Turner Boyd, LLP, Counsel for Plaintiff
21 Tethys Bioscience, Inc.
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26 /s/ Steven K. Taylor
27 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 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



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