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8 Attorneys for Defendants
 9 Pacific Biosciences of California, Inc., Hugh C.
 Martin, Susan K. Barnes, Brian B. Dow, William
 10 Ericson, Brook Byers, Michael Hunkapiller,
 Randall Livingston, Susan Siegel, and David Singer

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

16 THOMAS J. PRIMO and EVAN POWELL,
 Individually and on Behalf of All Others Similarly
 17 Situated,

18 Plaintiffs,

19 vs.

20 PACIFIC BIOSCIENCES OF CALIFORNIA,
 INC., HUGH C. MARTIN, SUSAN K. BARNES,
 21 BRIAN B. DOW, WILLIAM ERICSON, BROOK
 BYERS, MICHAEL HUNKAPILLER,
 22 RANDALL LIVINGSTON, SUSAN SIEGEL,
 DAVID SINGER, J.P. MORGAN SECURITIES
 23 LLC, MORGAN STANLEY & CO. INC.,
 DEUTSCHE BANK SECURITIES INC., and
 24 PIPER JAFFRAY & CO.,

25 Defendants.

Case No. 4:11-CV-06599 (CW)

**JOINT STIPULATION AND
 [PROPOSED] SCHEDULING ORDER**

1 **WHEREAS**, on April 11, 2012, Plaintiffs Thomas Primo and Evan Powell filed an Amended
2 Class Action Complaint (“Amended Complaint”) in the instant action, alleging violations of the
3 Securities Act of 1933 and Securities Exchange Act of 1934 against Pacific Biosciences of California,
4 Inc. (“PacBio”), a number of PacBio’s senior executives and directors (Hugh C. Martin, Susan K.
5 Barnes, Brian B. Dow, William Ericson, Brook Byers, Michael Hunkapiller, Randall Livingston, Susan
6 Siegel, and David Singer (together with PacBio, the “PacBio Defendants”)), and the underwriters in
7 PacBio’s initial public offering (J.P. Morgan Securities LLC, Morgan Stanley & Co. LLC (formerly
8 Morgan Stanley & Co. Inc.), Deutsche Bank Securities Inc., and Piper Jaffray & Co. (the “Underwriter
9 Defendants”)) (collectively, “Defendants”);

10 **WHEREAS**, on April 15, 2013, this Court entered an order dismissing the Amended Complaint
11 without prejudice; and granting Plaintiffs leave to file a Second Amended Complaint by June 14, 2013
12 (the “Dismissal Order”) (Dkt. No. 72);

13 **WHEREAS**, Defendants are herewith filing a Motion to Stay this action in light of a June 3,
14 2013 order by the Superior Court of California, San Mateo County (the “State Court”), preliminarily
15 approving a settlement that Defendants believe disposes of all the claims brought in the instant action
16 (the “Preliminarily Approved Settlement”);

17 **WHEREAS**, Defendants’ motion to dismiss the Second Amended Complaint would otherwise
18 be due on July 14, 2013;

19 **WHEREAS**, the Parties believe that it would be inefficient to require Defendants to respond to
20 Plaintiffs’ Second Amended Complaint until such time as this Court has ruled on the Motion to Stay.

21 **WHEREAS**, Plaintiffs do not believe a stay of this action is appropriate, nor that the State Court
22 has authority to settle the claims asserted in this action, but nonetheless, in the interests of conservation
23 of the resources of the Court and as a courtesy to Defendants, agree to the terms of this proposed
24 stipulation, subject to its approval by the Court;

25 **NOW, THEREFORE**, the parties stipulate and agree, by and through their respective counsel,
26 as follows:

27 1. Plaintiffs will file their Second Amended Complaint on June 14, 2013 (in accordance
28 with the terms of the Dismissal Order);

- 1 2. Plaintiffs' opposition brief to the Motion to Stay shall be due on July 18, 2013;
2 3. Defendants' reply brief(s) in support of the Motion to Stay shall be due on August 1,
3 2013;
4 4. The hearing on the Motion to Stay shall be scheduled for August 15, 2013; and
5 5. Defendants have no obligation to respond to Plaintiffs' Second Amended Complaint until
6 thirty (30) days after any denial of the Motion to Stay.

7
8 **IT IS SO STIPULATED.**
9

10 DATED: June 13, 2013

GREEN & NOBLIN, P.C.

11 /s/ Robert S. Green

ROBERT S. GREEN

12 700 Larkspur Landing Circle, Suite 275

13 Larkspur, CA, 94939

14 Telephone: (415) 477-6700

Facsimile: (415) 477-6710

15 *Counsel for Plaintiffs*
16

17 DATED: June 13, 2013

WILSON SONSINI GOODRICH & ROSATI
PROFESSIONAL CORPORATION

18 /s/ Catherine E. Moreno

CATHERINE E. MORENO

19 650 Page Mill Road

20 Palo Alto, CA 94304-1050

21 Telephone: 650/493-9300

22 650/493-6811 (fax)

23 *Counsel for the PacBio Defendants*
24

25 DATED: June 13, 2013

SIMPSON THACHER & BARTLETT LLP
SIMONA G. STRAUSS

26 /s/ Simona G. Strauss

SIMONA G. STRAUSS
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Counsel for the Underwriter Defendants

1 **[PROPOSED] ORDER**

2 Pursuant to the Stipulation, IT IS SO ORDERED.

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4 Dated: 6/20/2013


5 Honorable Claudia Wilken
6 United States District Judge

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1 ATTESTATION

2 I, Catherine E. Moreno, am the ECF User whose identification and password are being used to
3 file this **JOINT STIPULATION AND [PROPOSED] SCHEDULING ORDER**. In compliance with
4 General Order 45.X.B, I hereby attest that Timothy J. MacFall and Simona G. Strauss have concurred in
5 this filing.

6
7 Dated: April 25, 2012

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

8
9 By: s/ Catherine E. Moreno
10 Catherine E. Moreno