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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARITIME ASSET MANAGEMENT, LLC,

Plaintiff,

vs.

**NEUROGESX, INC., ANTHONY A. DITONNO,
STEPHEN F. GHIGLIERI, AND JEFFREY
TOBIAS, M.D.,**

Defendants.

Case No.: 12-CV-5034 YGR

ORDER RE: SUPPLEMENTAL BRIEFING

The pending motions to dismiss raise the issue of whether the Securities Litigation Uniform Standards Act (“SLUSA”) precludes Plaintiff’s class claims under state law. 15 U.S.C. § 78bb(f)(1). As discussed at the hearing on these motions, there appears to be an ambiguity in the language of Section 78bb(f)(5)(B), the definition of the term “covered class action.”

The Court seeks further briefing as to the statutory construction of this provision, including but not limited to any legislative history, additional case authorities, and secondary sources which elucidate the meaning of the term.

Defendants shall file a joint supplemental brief of no more than **five** pages by **May 9, 2013**. Plaintiff shall file its responsive supplemental brief of no more than **five** pages by **May 23, 2013**.

IT IS SO ORDERED.

Date: April 25, 2013



**YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE**