



1           WHEREAS, the above-captioned securities class actions (the “Securities Class  
2 Actions”) have been filed against Dynavax Technologies Corporation, et al. (collectively  
3 “Defendants”), alleging violations of the federal securities laws;

4           WHEREAS, Federal Rule of Civil Procedure 42(a) provides that a court may order all  
5 actions consolidated if they involve “common issues of law or fact.” The Securities Class  
6 Actions involve common legal and factual issues; thus, efficiency and consistency will result  
7 from their consolidation;

8           WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995  
9 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on November 18, 2016, plaintiff in the first-filed  
10 action issued a notice to potential class members of the action and informed them of their right  
11 to move to serve as lead plaintiff within 60 days of the date of the issuance of said notice;

12           WHEREAS, on January 17, 2017, class member Kwok Pang (“Movant”) timely filed a  
13 motion to consolidate the related actions, be appointed as Lead Plaintiff, and to approve of his  
14 selection of The Rosen Law Firm, P.A. as Lead Counsel;

15           WHEREAS, the PSLRA provides, *inter alia*, that the most-adequate plaintiff to serve as  
16 lead plaintiff is the person or group of persons that has either filed a complaint or has made a  
17 motion in response to a notice and has the largest financial interest in the relief sought by the  
18 Class and satisfies the requirements of Fed. R. Civ. P. 23;

19           WHEREAS, 15 U.S.C. § 78u-4(a)(3)(B) provides, *inter alia*, that as soon as practicable  
20 after the decision on consolidation is rendered, the Court shall appoint the most adequate  
21 plaintiff as lead plaintiff for the consolidated actions;

22           WHEREAS, the Court finding that Movant has the largest financial interest in this  
23 action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23.  
24 *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); and  
25

26           Further, the motions of other putative class members (Dkt. Nos. 25 and 33)  
27 have been withdrawn and the instant motion is unopposed (Dkt. No. 37 and 38).  
28

1 **IT IS HEREBY ORDERED THAT:**

2 **CONSOLIDATION OF SECURITIES CLASS ACTIONS**

3 1. The Securities Class Actions are consolidated for all purposes including, but not  
4 limited to, discovery, pretrial proceedings and trial proceedings pursuant to Fed. R. Civ. P.  
5 42(a).

6 **MASTER DOCKET AND CAPTION**

7 2. The docket in Case No. 4:16-cv-06690-YGR shall constitute the Master Docket for  
8 this action.

9 3. Every pleading filed in the consolidated action shall bear the following caption:

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 -----X

13 Master File No. 4:16-cv-06690-YGR

14 In re Dynavax Technologies Corporation  
15 Securities Litigation

CLASS ACTION

16  
17 -----X

18 This Document Relates To:

19  
20 4. The file in civil action no. 4:16-cv-06690-YGR shall constitute a master file for  
21 every action in the consolidated action. When the document being filed pertains to all actions,  
22 the phrase "All Actions" shall appear immediately after the phrase "This Document Relates  
23 To:". When a pleading applies to some, but not all, of the actions, the document shall list,  
24 immediately after the phrase "This Document Relates To:", the docket number for each  
25 individual action to which the document applies, along with the last name of the first-listed  
26 plaintiff in said action.

27 5. All Securities Class Actions subsequently filed in, or transferred to, this District  
28 shall be consolidated into this action. This Order shall apply to every such action, absent an

1 order of the Court. A party objecting to such consolidation, or to any other provisions of this  
2 Order, must file an application for relief from this Order within ten days after the date on which  
3 a copy of this Order is mailed to the party's counsel.

4 6. This Order is entered without prejudice to the rights of any party to apply for  
5 severance of any claim or action, with good cause shown.

6 **APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

7 7. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-  
8 4(a)(3)(B), Movant is appointed as Lead Plaintiff of the class, as Movant has the largest  
9 financial interest in this litigation and otherwise satisfies the requirements of Fed. R. Civ. P.  
10 23.

11 8. Movant's choice of counsel is approved, and accordingly, The Rosen Law Firm,  
12 P.A. is appointed as Lead Counsel.

13 9. Lead Counsel, after being appointed by the Court, shall manage the prosecution  
14 of this litigation. Lead Counsel is to avoid duplicative or unproductive activities and is hereby  
15 vested by the Court with the responsibilities that include, without limitation, the following: (1)  
16 to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of motions in  
17 accordance with the schedules set by the orders and rules of this Court; (3) to initiate and direct  
18 discovery; (4) prepare the case for trial; and (5) to engage in settlement negotiations on behalf  
19 of Lead Plaintiff and the Class.

20  
21 IT IS SO ORDERED.

22 Dated: January 31, 2017

23   
24 Hon. Yvonne Gonzalez Rogers  
25 U.S. District Judge