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10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 ORACLE PARTNERS, L.P.; ORACLE
 14 INSTITUTIONAL PARTNERS, L.P.; ORACLE TEN
 FUND, L.P.; FEINBERG FAMILY TRUST;
 15 VENROCK HEALTHCARE CAPITAL PARTNERS
 III, L.P.; VHCP CO-INVESTMENT HOLDINGS
 16 III, LLC; COWEN HEALTHCARE INVESTMENTS
 II LP; CHIEF II LP; KERN ODYSSEUS, LLC;
 17 PNC GIFT TRUST OF 2012; SCHULER
 18 CONCENTRIC PARTNERSHIP,

19 Plaintiffs,

20 v.

21 CONCENTRIC ANALGESICS, INC., FRANK J.
 22 BELLIZZI, JR., JOHN DONOVAN,

23 Defendants.

Case No. 4:20-cv-03775-HSG

STIPULATED REQUEST AND
~~PROPOSED~~ ORDER TO CONTINUE
THE INITIAL CASE MANAGEMENT
CONFERENCE

Assigned to Hon. Haywood S. Gilliam, Jr.

JURY TRIAL DEMANDED

1 Plaintiffs Oracle Partners, L.P.; Oracle Institutional Partners, L.P.; Oracle Ten Fund, L.P.;
2 Feinberg Family Trust; Venrock Healthcare Capital Partner III, L.P.; VHCP Co-Investment Holdings III,
3 LLC; Cowen Healthcare Investments II LP; CHIEF II LP; Kern Odysseus, LLC; PNC Gift Trust of 2012;
4 and Schuler Concentric Partnership (collectively, "Plaintiffs"), and Frank J. Bellizzi, John Donovan, and
5 Concentric Analgesics, Inc. (collectively, "Defendants"), by and through their respective counsel, hereby
6 stipulate to the following:

7 WHEREAS, on June 8, 2020, Plaintiffs filed their Complaint in the above-captioned matter. ECF
8 No. 1.

9 WHEREAS, on June 25, 2020, pursuant to the schedule entered by the Court, the parties' joint
10 case management statement is currently due on September 8, 2020, and the initial case management
11 conference is currently set for September 15, 2020. ECF No. 29.

12 WHEREAS, on August 7, 2020, Defendants filed a motion to dismiss the Complaint ("Motion to
13 Dismiss"). ECF No. 38.

14 WHEREAS, the noticed hearing date for the Motion to Dismiss is currently set for October 1,
15 2020. *Id.*

16 WHEREAS, on August 21, 2020, Plaintiffs filed their opposition to the Motion to Dismiss. ECF
17 No. 42.

18 WHEREAS, on August 24, 2020, the parties met and conferred pursuant to their obligations under
19 Fed. R. Civ. P. 26(f) and now jointly stipulate, subject to the Court's approval, to extend the deadline for
20 submission of the joint case management statement and to continue the initial case management
21 conference, as outlined below. Bartlett Decl. ¶ 7.

22 WHEREAS, on August 25, 2020, the Court GRANTED the parties' Stipulated Request for Order
23 Changing Time (Civ. L. R. 6-2) resetting Defendants' deadline to submit their reply brief to September 4,
24 2020. *See* ECF. No. 46.

25 WHEREAS, there have been no additional time modifications to this case, other than a reset of
26 certain deadlines when this case was transferred from the Magistrate Judge to this Court. Civ. L. R. 6-
27 2(a)(2).

1 WHEREAS, the Motion to Dismiss is pending as of the date of this stipulation.

2 WHEREAS, good cause exists for this revised schedule to avoid unnecessary expenditure of
3 judicial resources or effort by the parties and the Court at this time while the Court considers the Motion
4 to Dismiss. Bartlett Decl. ¶ 10.

5 WHEREAS, none of the proposed scheduling changes would alter either the deadline for
6 Defendants to submit their reply brief or the noticed hearing date of October 1, 2020 for the Motion to
7 Dismiss. Bartlett Decl. ¶ 12.

8 WHEREAS, no other deadlines have yet been set, so none of the proposed scheduling changes
9 would alter any other deadlines. Bartlett Decl. ¶ 13.

10 WHEREAS, nothing herein shall be deemed a waiver of any rights or defenses by the parties.

11 IT IS HEREBY AGREED AND STIPULATED, and respectfully requested by and among the
12 parties hereto, through their undersigned counsel of the record, that the Court order as follows:

13 1. The deadline for submission of the initial case management statement shall be extended
14 from **September 8, 2020 to November 10, 2020.**

15 2. The date of the initial case management conference shall be continued from **September**
16 **15, 2020 at 2:00pm (PT) to November 17, 2020 at 2:00pm (PT).**

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18 **IT IS SO STIPULATED.**

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Dated: August 25, 2020

SIDLEY AUSTIN LLP

By: /s/ Jaime A. Bartlett

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Attorneys for Plaintiffs

Dated: August 25, 2020

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By: /s/ Paven Malhotra

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ATTESTATION

In accordance with Civil Local Rule 5-1(i)(3), I attest that Paven Malhotra concurred in the filing of this document.

Dated: August 25, 2020

SIDLEY AUSTIN LLP

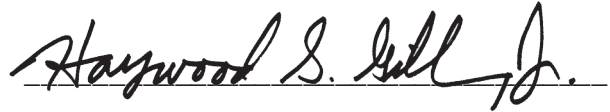
By: /s/ Jaime A. Bartlett

Jaime A. Bartlett

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/28/2020



HON. HAYWOOD S. GILLIAM, JR.

UNITED STATES DISTRICT JUDGE

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