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13  
14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **OAKLAND DIVISION**

17 VICTOR J. NG, Individually and on Behalf  
18 of All Others Similarly Situated,

19 Plaintiff,

20 v.

21 BERKELEY LIGHTS, INC., et al.,

22 Defendants.

Case No. 4:21-cv-09497-HSG

**STIPULATION AND ORDER  
REGARDING HEARING ON  
DEFENDANTS' MOTIONS TO DISMISS**

1           WHEREAS, on July 25, 2022, Lead Plaintiff and Plaintiff Pompano Beach Police and  
2 Firefighters' Retirement System (collectively, "Plaintiffs") filed an Amended Complaint (Dkt.  
3 No. 89) alleging violations of the Securities Act of 1933 and the Securities Exchange Act of  
4 1934 against Berkeley Lights, Inc. ("BLI"); its current and former executives: Eric D. Hobbs,  
5 Shaun M. Holt, and Kurt Wood; nine current and former members of BLI's board: Igor  
6 Khandros, Michael Marks, Sarah Boyce, Gregory Lucier, Michael Moritz, Elizabeth Nelson,  
7 James Rothman, Ming Wu, and Makoto Shintani (collectively with BLI and its former  
8 executives, "BLI Defendants"); three firms alleged to have invested in BLI: entities associated  
9 with Celesta Capital f/k/a WRVI Capital ("Celesta Defendants"),<sup>1</sup> Sequoia Capital ("Sequoia"),  
10 and Nikon Corporation ("Nikon"); and the underwriters for BLI's Initial Public Offering: J.P.  
11 Morgan Securities LLC, Morgan Stanley & Co. LLC, Cowen and Company, LLC, and William  
12 Blair & Company L.L.C. ("Underwriter Defendants") (collectively, "Defendants");

13           WHEREAS, on November 11, 2022, Defendants filed five motions to dismiss the  
14 Amended Complaint, *see* BLI Defs.' Mot. to Dismiss (Dkt. No. 126); Underwriter Defs.' Mot. to  
15 Dismiss (Dkt. No. 128); Nikon Mot. to Dismiss (Dkt. No. 129); Celesta Defs. Mot. to Dismiss  
16 (Dkt. No. 131); Sequoia's Mot. to Dismiss (Dkt. No. 132), noticing a March 16, 2023 hearing  
17 date;

18           WHEREAS, Plaintiffs have since filed an omnibus opposition to Defendants' motions to  
19 dismiss (Dkt. No. 137), and Defendants have filed their respective replies (Dkt. Nos. 138, 140,  
20 141, 142, 143);

21           WHEREAS, an in-person hearing on Defendants' motions to dismiss is currently set for  
22 March 16, 2023, at 2:00 p.m.;

23           WHEREAS, due to a recently re-scheduled engagement committed to before the hearing  
24 date was set, the attorney responsible for arguing on behalf of Plaintiffs is no longer able to  
25 appear and argue on March 16, 2023;

26 \_\_\_\_\_  
27 <sup>1</sup> The Celesta Capital entities named in the Amended Complaint are Walden Riverwood  
28 GP, LLC, Walden Riverwood Ventures, L.P., WIIG Communications Management LLC, WRV-  
BLI LLC, WRV-BLI II, LLC, WRV-BLI III LLC, WRV-BLI IV, LLC, WRV GP II, LLC, and  
WRV II, L.P.

1 WHEREAS, Plaintiffs' alternative counsel is also unable to appear on March 16, 2023  
2 due to a noticed deposition in another matter;

3 WHEREAS, in light of the unanticipated scheduling conflicts, Plaintiffs have requested  
4 and Defendants have agreed to a continuance of the hearing on Defendants' motions to dismiss;

5 WHEREAS, the Parties have met and conferred regarding alternative hearing dates that  
6 can accommodate counsel for all Parties; and

7 WHEREAS, the Parties have reviewed the Court's calendar for the next open hearing  
8 dates on civil motions;

9 IT IS ACCORDINGLY STIPULATED, pursuant to Civil L.R. 6-1(a) and 7-7 (b)(1), by  
10 and between the undersigned counsel for the Parties, subject to Court approval, that the hearing  
11 date for Defendants' Motions to Dismiss (Dkt. Nos. 126, 128, 129, 131, 132) should be  
12 continued from March 16, 2023, at 2:00 p.m., to June 22, 2023, at 2:00 p.m.

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14 IT IS SO STIPULATED.

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16 Dated: March 2, 2023

Respectfully submitted,

17  
18 By /s/ Lucas E. Gilmore

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WRV-BLI IV, LLC, WRV GP II, LLC, and  
WRV II, L.P.

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)**

I, Lucas E. Gilmore, am the ECF User whose identification and password are being used to file the foregoing **STIPULATION AND [PROPOSED] ORDER REGARDING HEARING ON DEFENDANTS’ MOTIONS TO DISMISS**. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that all signatories have concurred in this filing.

DATED: March 2, 2023


By: /s/ Lucas E. Gilmore  
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**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 3/2/2023

  
Hon. Haywood S. Gilliam, Jr.