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Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 STEVEN SIMON, MICHAEL KALLOK AND)
 12 ALEXEY TERSKIKH, on Behalf of Himself and)
 All Others Similarly Situated,)

13 Plaintiffs,)

14 vs.)

15 ERIC STANG, LEN DEBENEDICTIS, HANK)
 16 GAUTHIER, and RELIANT TECHNOLOGIES,)
 INC.,)

17 Defendants.)

CASE NO.: 5:10-cv-00262-JF

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

Current CMC Date: May 7, 2010
 Proposed CMC Date: September 17,
 2010

Courtroom: 3 (Hon. Jeremy Fogel)

1 WHEREAS, Plaintiffs filed a Complaint against defendants Eric Stang, Len
2 Debenedictis, Hank Gauthier, and Reliant Technologies, Inc. (“Defendants”) in the Superior
3 Court of California, County of Santa Clara, on December 23, 2009 (the “Action”);

4 WHEREAS, Defendants removed the Action to this Court on January 20, 2010;

5 WHEREAS, Defendants moved to dismiss the Action pursuant to the Securities
6 Litigation Uniform Standards Act of 1998 (SLUSA), 15 U.S.C. §§77p, 78bb, and the internal
7 affairs doctrine on January 27, 2010;

8 WHEREAS, Plaintiffs moved to remand the Action to the Superior Court of California,
9 County of Santa Clara, on February 29, 2010;

10 WHEREAS, on April 12, 2010, the Court issued an order granting in part and denying in
11 part Defendants’ motion to dismiss, allowing Plaintiffs the opportunity to file an amended
12 complaint, and deferring determination of Plaintiffs’ motion to remand until the filing of an
13 amended pleading;

14 WHEREAS, the Case Management Conference is currently scheduled before this Court
15 on May 7, 2010 at 10:30 a.m.;

16 WHEREAS, in the interests of judicial economy, the parties believe the Case
17 Management Conference, pre-conference filings, and selection of an ADR process, should be
18 deferred until the Court determines whether this Action should be dismissed or remanded to state
19 court.

20 NOW, THEREFORE, in the interest of judicial economy and good cause showing, the
21 parties, by and through their undersigned counsel of record, hereby agree and stipulate, and the
22 Court hereby orders, as follows:

23 1. The Case Management Conference currently scheduled for May 7, 2010, together
24 with all associated pre-conference filings (*e.g.*, the Case Management Statement, Rule 26(f)
25 disclosures, and ADR Certifications and Selection) shall be continued to September 17, 2010 at
26 10:30 a.m., provided that the case is not dismissed or remanded.

27 2. The Parties respectfully request that the Court enter an Order approving this
28 Stipulation.

1 Respectfully submitted,

2 Dated: April 21, 2010

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By: /s/ Gregory L. Watts
Gregory L. Watts

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Attorneys for Defendants

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San Diego, CA 92101

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By: /s/ Edward Gergosian
Edward Gergosian

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Attorneys for Plaintiffs

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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16 Dated: 5/3/2010


United States District Judge

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Gregory L. Watts attest that concurrence in the filing of this document has been obtained from the signatory, Edward M. Gergosian. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of April, 2010 at Palo Alto, California.

By: /s/ Gregory L. Watts
Gregory L. Watts
Attorneys for Defendants