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8 [Additional counsel appear on signature page.]

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

13 In re CELERA CORP. SEC. LITIG.

Case No. 10-cv-02604-EJD (HRL)

14 **CLASS ACTION**

15 **STIPULATION AND ~~PROPOSED~~**
 16 **ORDER CONTINUING CASE**
 17 **MANAGEMENT CONFERENCE**

Judge: Hon. Edward J. Davila

18 This Document Relates To:

19 ALL ACTIONS

20
 21 Pursuant to Civil L.R. 7-12, the parties, by and through their undersigned counsel of
 22 record, submit the following stipulation and proposed order.

23 WHEREAS, on September 4, 2012, the Court denied Celera’s motion to dismiss the
 24 Second Amended Consolidated Complaint of Lead Plaintiff Washtenaw County Employees’
 25 Retirement System (Dkt. No. 65);

26 WHEREAS, the Court’s September 4, 2012 Order scheduled a Case Management
 27 Conference on October 26, 2012 at 10:00 a.m., and directed the parties to file an updated Joint
 28 Case Management Statement on or before October 19, 2012;

1 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995, which
2 governs this action, discovery in this action was stayed during the pendency of Defendants'
3 motion to dismiss (15 U.S.C. 78u-4(b)(3)(B));

4 WHEREAS, pursuant to Rule 26(d)(1), the parties are prevented from serving discovery
5 in this action until the parties have conferred pursuant to Rule 26(f);

6 WHEREAS, pursuant to the Court's September 4, 2012 Order and Rule 26(f)(1), the
7 parties' Rule 26(f) conference deadline is currently October 5, 2012;

8 WHEREAS, by Order dated September 14, 2012 (Dkt. No. 67), the Court extended
9 Defendants' time to answer or otherwise respond to the Second Amended Consolidated
10 Complaint until October 19, 2012;

11 WHEREAS, in light of Defendants' representations that they need more time to prepare
12 for the Rule 26(f) conference and the Rule 16 Case Management Conference as a result of the
13 current October 19, 2012 deadline for Defendants to answer or otherwise respond to the Second
14 Amended Consolidated Complaint, and in light of the complexity of the issues, the parties
15 believe that good cause exists to continue the Case Management Conference from October 26,
16 2012, to November 9, 2012, or a date thereafter that is convenient for the Court;

17 WHEREAS, the undersigned counsel for Lead Plaintiff represents that she is unavailable
18 on November 15 and 16, 2012 due to a previously scheduled hearing in another matter pending
19 in the Southern District of New York and requests that the Case Management Conference not be
20 scheduled on these dates;

21 WHEREAS, if the Court grants the parties' requested continuance, the parties would
22 submit their updated Joint Case Management Statement on or before November 2, 2012;

23 WHEREAS, if the Court grants the parties' requested continuance, counsel for the
24 parties have agreed to hold their Rule 26(f) conference on October 10, 2012;

25 WHEREAS, it would conserve judicial and party resources and promote efficiency and
26 economy to hold the Case Management Conference in this action after Defendants' answer is
27 filed, Lead Plaintiff has reviewed the answer, and the parties have adequately addressed
28

1 scheduling, discovery, and the additional case management topics of Federal Rule of Civil
2 Procedure 26(f) and Local Rules 16-9 and 16-10;

3 WHEREAS, pursuant to Local Rule 6-2(a)(2), the following are the previous time
4 modifications in this action: (i) July 8, 2010 Order (J. Ware) extending Defendants' time to
5 respond to the Complaint until after the appointment of Lead Plaintiff (Dkt. No. 7);
6 (ii) November 2, 2010 Order (J. Ware) continuing the case management conference from
7 November 15, 2010 to March 7, 2011 (Dkt. No. 27); (iii) February 18, 2011 Clerk's Notice
8 continuing the hearing on Defendants' motion to dismiss and the case management conference
9 from March 7, 2011 until March 28, 2011 (Dkt. No. 36); (iv) March 24, 2011 Order (J. Ware)
10 vacating the hearing on Defendants' motion to dismiss and continuing the case management
11 conference, and also setting a schedule for the filing of, briefing of, and hearing on Lead
12 Plaintiff's Second Amended Consolidated Complaint (Dkt. No. 40); (v) June 16, 2011 Order
13 (J. Davila) setting a schedule for the filing of, briefing of, and hearing on Lead Plaintiff's
14 Second Amended Consolidated Complaint (Dkt. No. 47); (vi) November 23, 2011 Order
15 (J. Davila) continuing the case management conference scheduled for December 2, 2011 (Dkt.
16 No. 61); and (vii) September 14, 2012 Order (J. Davila) extending time for Defendants to
17 answer or otherwise respond to the Second Amended Consolidated Complaint (Dkt. No. 67);
18 and

19 WHEREAS, the continuance of the Case Management Conference will not affect any
20 other deadlines or events in this action except as otherwise set forth above.

21 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as
22 follows:

23 (1) The Case Management Conference currently scheduled for October 26, 2012, shall be
24 continued to November 9, 2012, or such later date as is convenient for the Court;

25 (2) The parties will file an updated Joint Case Management Statement on or before
26 November 2, 2012; and

27 (3) The parties will hold their Rule 26(f) conference on or before October 10, 2012.
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Dated: October 3, 2012

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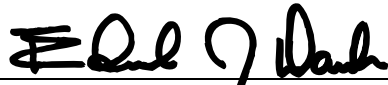
Additional Counsel for Plaintiff

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 5, 2012



Honorable Edward J. Davila
United States District Court Judge

I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance with N.D. Cal. L.R. 5-1(i)(3), I hereby attest that Willow Radcliffe has concurred in this filing.

By: /s/ Judson Lobdell
Judson Lobdell