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 7 Ugo DeBlasi, and Christopher Hall

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

13 In re CELERA CORP. SEC. LITIG.

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

CLASS ACTION

15 This Document Relates To:  
 16 ALL ACTIONS.

STIPULATION AND ~~PROPOSED~~  
 ORDER TO EXTEND DEADLINE TO  
 AMEND DEFENDANTS' ANSWER

28 STIP. AND ~~PROPOSED~~ ORDER TO EXTEND DEADLINE TO AMEND DEFS' ANSWER  
 Case No. 10-cv-02604-EJD(HRL)  
 sf-3223839

1 Pursuant to Civil Local Rule 7-12, the parties, Lead Plaintiff Washtenaw County  
2 Employees' Retirement System ("Lead Plaintiff") and defendants Celera Corporation, Kathy  
3 Ordoñez, Joel R. Jung, Ugo DeBlasi and Christopher Hall (collectively, "Defendants"), by and  
4 through their undersigned counsel of record, submit the following stipulation and proposed order:

5 WHEREAS, on May 6, 2011, Lead Plaintiff filed a Second Amended Consolidated  
6 Complaint for Violation of the Federal Securities Laws (the "Complaint") (Dkt. No. 45);

7 WHEREAS, on September 4, 2012, the Court denied Defendants' motion to dismiss the  
8 Complaint (Dkt. No. 65);

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

11 WHEREAS, on October 19, 2012, Defendants filed their Answer to the Complaint;

12 WHEREAS, by Order dated November 7, 2012 (Dkt. No. 77), the Court extended the  
13 deadline for Lead Plaintiff to file a Motion to Strike Defendants' Answer, or portions thereof,  
14 until November 29, 2012;

15 WHEREAS, Lead Plaintiff and Defendants have met and conferred with respect to the  
16 sufficiency of Defendants' Answer;

17 WHEREAS, Defendants have agreed to amend their Answer and represent that they need  
18 additional time to amend Defendants' Answer, or portions thereof;

19 WHEREAS, Lead Plaintiff agrees to provide written consent to Defendants to amend their  
20 Answer without leave of Court until January 7, 2013;

21 WHEREAS, Lead Plaintiff agrees not to file a Motion to Strike prior to the filing by  
22 Defendants of an amended Answer on or before January 7, 2013;

23 WHEREAS, Lead Plaintiff and Defendants agree to confer, upon the filing of an  
24 amended Answer, as to a reasonable time period for Lead Plaintiff to move to strike the amended  
25 Answer should Lead Plaintiff seek to do so;

26 WHEREAS, Lead Plaintiff and Defendants agree that in the event that Defendants move  
27 for summary judgment on the basis of the affirmative defenses asserted in the amended Answer,  
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1 Lead Plaintiff and Defendants shall confer as to a reasonable time period for Lead Plaintiff to  
2 oppose such motion;

3 WHEREAS, pursuant to Civil L.R. 6-2(a)(2), the following are 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); (ii)  
6 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 (J.  
13 Davila) setting a schedule for the filing of, briefing of, and hearing on Lead Plaintiff's Second  
14 Amended Consolidated Complaint (Dkt. No. 47); (vi) November 23, 2011 Order (J. Davila)  
15 continuing the case management conference scheduled for December 2, 2011 (Dkt. No. 61); (vii)  
16 September 14, 2012 Order (J. Davila) extending time for Defendants to answer or otherwise  
17 respond to the Second Amended Consolidated Complaint (Dkt. No. 67); (viii) October 5, 2012  
18 Order (J. Davila) extending time for the Rule 26(f) Conference and for parties to file their Joint  
19 Case Management Statement and the Case Management Conference to November 9, 2012 (Dkt.  
20 No. 71); and (ix) November 7, 2012 Order (J. Davila) extending the deadline for Lead Plaintiff to  
21 file a Motion to Strike Defendants' Answer, or portions thereof, to November 29, 2012 (Dkt. No.  
22 77); and

23 WHEREAS, the continuance of the deadline for Defendants to amend their Answer will  
24 not affect any other deadlines or events in this action except as otherwise set forth above.

25 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that the  
26 deadline for Defendants to amend their Answer without leave of Court shall be continued until  
27 January 7, 2013, or such later date as is convenient for the Court.

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Dated: December 14, 2012

JORDAN ETH  
JUDSON E. LOBDELL  
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By:           /s/Judson E. Lobdell            
JUDSON E. LOBDELL

Attorneys for Defendants  
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ORDOÑEZ, JOEL R. JUNG, UGO  
DeBLASI, AND CHRISTOPHER  
HALL

Dated: December 14, 2012

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Additional Counsel for Plaintiff

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I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order to Extend Deadline to Amend Defendants' Answer. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Willow E. Radcliffe has concurred in this filing.


\_\_\_\_\_  
s/ Judson E. Lobdell  
JUDSON E. LOBDELL

\* \* \*

ORDER

IT IS SO ORDERED.

DATED: 12/17/2012

  
\_\_\_\_\_  
THE HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT COURT JUDGE