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 Celera Corporation and Defendants  
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 Richard A. Ayers, Jean-Luc Bélingard,  
 8 William G. Green, Peter Barton Hutt,  
 Gail K. Naughton, Wayne I. Roe, and Bennett M. Shapiro

9 [Additional counsel appear on signature page.]

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

14  
 15 In re CELERA CORP. DERIVATIVE LITIG.

Case No. 10-cv-02935-EJD(HRL)

16

**DERIVATIVE ACTION**

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18 This Document Relates To:

**STIPULATION AND ~~PROPOSED~~  
 ORDER CONTINUING CASE  
 MANAGEMENT CONFERENCE**

19 ALL ACTIONS

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1 Pursuant to Civil L.R. 7-12, the parties, by and through their undersigned counsel of  
2 record, submit the following stipulation and proposed order requesting that the case management  
3 conference currently scheduled for December 2, 2011 be rescheduled to a date and time that is  
4 convenient to the Court after the Court has ruled on defendants' pending motion to dismiss in the  
5 related action entitled *In re Celera Corp. Securities Litigation*, Case No. 10-cv-2604-EJD (HRL)  
6 (the "Securities Action"), currently pending before this Court.

7 WHEREAS, on August 11, 2010, the Court related the above-captioned action to the  
8 action entitled *In re Celera Corp. Securities Litigation*, Case No. 10-cv-2604-EJD (HRL) (the  
9 "Securities Action"), currently pending before this Court [Dkt. No. 7];

10 WHEREAS, pursuant to the August 11, 2010 order, the Court set a case management  
11 conference for December 20, 2010 [Dkt. No. 7];

12 WHEREAS, pursuant to an order dated September 23, 2010, the Court rescheduled the  
13 case management conference for November 15, 2010 [Dkt. No. 13];

14 WHEREAS, pursuant to the parties' stipulation, on November 10, 2010, the Court  
15 rescheduled the case management conference for March 28, 2011 [Dkt. No. 25];

16 WHEREAS, on December 16, 2010, the Court vacated the March 28, 2011 case  
17 management conference as premature [Dkt. No. 27];

18 WHEREAS, on April 22, 2011, Plaintiffs in the present action filed their Amended  
19 Consolidated Verified Shareholder Derivative Complaint (the "Amended Complaint") against  
20 nominal defendant Celera Corporation and certain of its current and former officers and directors  
21 ("Defendants") [Dkt. No. 61];

22 WHEREAS, on April 25, 2011, this action was reassigned to the Honorable Edward J.  
23 Davila [Dkt. No. 62];

24 WHEREAS, on May 10, 2011, the Court ordered the parties' stipulation in the present  
25 action extending Defendants' time to answer, move, or otherwise respond to the Amended  
26 Complaint until the Court resolves the defendants' motion to dismiss in the related Securities  
27 Action [Dkt. No. 70];

1           WHEREAS, defendants' motion to dismiss the Securities Action has been taken under  
2 submission by the Court [Dkt. No. 61];

3           WHEREAS, by Clerk's Notice entered on August 24, 2011 [Dkt. No. 73], a case  
4 management conference in this action is currently scheduled for December 2, 2011;

5           WHEREAS, it would conserve judicial and party resources to hold the case management  
6 conference in this action after the Court has decided the defendants' motion to dismiss the  
7 Securities Action;

8           IT IS HEREBY STIPULATED AND AGREED, by the parties through their undersigned  
9 counsel of record, subject to approval of the Court, as follows:

10           1.       The case management conference currently scheduled for December 2, 2011, shall  
11 be rescheduled to a date and time that is convenient to the Court after the Court has ruled on  
12 defendants' pending motion to dismiss the Securities Action; and

13           2.       The parties shall file a Joint Case Management Conference Statement ten days  
14 prior to the conference.

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Dated: November 22, 2011

MORRISON & FOERSTER LLP  
JORDAN ETH  
JUDSON LOBDELL

By: /s/ Judson Lobdell  
Judson Lobdell

Attorneys for Nominal Defendant  
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William G. Green, Peter Barton Hutt,  
Gail K. Naughton, Wayne I. Roe, and  
Bennett M. Shapiro

Dated: November 22, 2011

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By: /s/ George C. Aguilar  
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KELLY A. NOTO  
  
Co-Lead Counsel for Plaintiffs

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 23, 2011

  
Honorable Edward J. Davila  
United States District Court Judge

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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 Continuing Case Management Conference. In compliance with General Order No. 45, X.B., I hereby attest that George Aguilar has concurred in this filing.

By: /s/ Judson Lobdell  
Judson Lobdell