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Counsel for Plaintiffs

**\*E-FILED - 11/10/10\***

[Additional counsel appear on signature page.]

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

15 TOM BELLOMO, Individually and on Behalf )  
 16 of All Others Similarly Situated, )  
 17 Plaintiff, )  
 18 vs. )  
 19 XENOPORT, INC., et al., )  
 20 Defendants. )

No. 5:10-cv-03301-RMW  
CLASS ACTION  
 STIPULATION AND [ ] ORDER  
 CONTINUING CASE MANAGEMENT  
 CONFERENCE  
 DATE: November 12, 2010  
 TIME: 10:30 a.m.  
 COURTROOM: The Honorable  
 Ronald M. Whyte

1 **STIPULATION**

2 THE PARTIES stipulate as follows:

3 This matter is a class action under the federal securities laws and is subject to a stay of  
4 discovery under the Private Securities Litigation Reform Act of 1995. 15 U.S.C. §78u-4(b)(3)(B).  
5 A Case Management Conference is currently set for November 12, 2010, with a Case Management  
6 Statement due on November 5, 2010.

7 The hearing on an unopposed motion for appointment of lead plaintiff and consolidation was  
8 also set for November 5, 2010. On November 4, 2010, however, the Court posted its tentative ruling  
9 granting the lead plaintiff motion and cancelling the hearing.

10 The parties respectfully submit that any case management conference in this matter would be  
11 premature and would not benefit the Court or the parties both because discovery is stayed and lead  
12 plaintiff and lead counsel are only recently appointed.

13 Accordingly, the parties jointly request that the Court take the November 12, 2010 Case  
14 Management Conference off calendar, to be rescheduled after the discovery stay is lifted.

15 IT IS SO STIPULATED.

16 DATED: November 5, 2010

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28 Counsel for Plaintiffs

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DATED: November 5, 2010

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s/ Jessica Valenzuela Santamaria  
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Counsel for Defendants

I, John K. Grant, 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 45, X.B., I hereby attest that Jessica Valenzuela Santamaria has concurred in this filing.

s/ John K. Grant  
JOHN K. GRANT

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**ORDER**

Pursuant to the stipulation of the parties, the November 12, 2010 Case Management Conference is continued and will be rescheduled if necessary after the discovery stay is lifted. No Case Management Statement is currently due.

IT IS SO ORDERED.

DATED: 11/10/10

*Ronald M. Whyte*  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

**\*The Court resets the Case Management Conference to January 28, 2011 at 10:30 a.m.**