

1 KEKER & VAN NEST LLP
 ROBERT A. VAN NEST - #84065
 2 Email:rvannest@kvn.com
 MICHAEL D. CELIO - #197998
 3 Email:mcelio@kvn.com
 633 Battery Street
 4 San Francisco, CA 94111
 Telephone: (415) 391-5400
 5 Facsimile: (415) 397-7188

6 Attorneys for Defendants
 INTUITIVE SURGICAL, INC., BENJAMIN GONG, ALEKS
 7 CUKIC, JEROME MCNAMARA, GARY GUTHART,
 MARHSALL MOHR, AND LONNIE SMITH,
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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12

13 POLICE RETIREMENT SYSTEM OF ST.
 LOUIS, individually and on behalf of all
 14 others similarly situated,

Case No. CV-10-03451

15
 16 Plaintiffs,

**STIPULATION RE DATE OF ORAL
 ARGUMENT ON MOTION TO DISMISS
 AMENDED COMPLAINT AND
 [PROPOSED] ORDER**

17 v.

18 INTUITIVE SURGICAL, INC., BENJAMIN
 GONG, ALEKS CUKIC, JEROME
 MCNAMARA, GARY GUTHART,
 19 MARHSALL MOHR, AND LONNIE
 SMITH,
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21 Defendants.
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23 **WHEREAS**, Defendants filed a Motion to Dismiss the Amended Class Action
 24 Complaint on October 13, 2011; and

25 **WHEREAS**, briefing has been completed and oral argument on that Motion is currently
 26 set for January 26, 2012, along with a Case Management Conference; and

27 **WHEREAS**, counsel for Defendants, Michael Celio, is also trial counsel in *Hilda L.*
 28 *Solis, Secretary of Labor, United States Dept. of Labor v. Jasmine Hall Care Homes, et al.*, Case

1 No. 2:05-cv-01306-GEB KJM, pending before the Hon. Garland Burrell in the Eastern District
2 of California in Sacramento (as set forth in the accompanying Declaration of Michael D. Celio);
3 and

4 **WHEREAS**, based on discussions between counsel in the *Solis v. Jasmine Hall* matter, it
5 now appears certain that trial will extend past January 26, 2012 making it impossible for
6 Defendants' counsel to be present both at the *Solis* trial and before this Court; and

7 **WHEREAS**, a brief, two or three week extension would ensure that counsel for
8 Defendants could appear; and

9 **WHEREAS**, counsel have met and conferred on available dates, and Defendants'
10 counsel is available on either February 9 or February 16, 2012; and

11 **WHEREAS**, lead counsel for plaintiffs is available on February 9, 2012, and is
12 scheduled to appear before Judge Alsup in San Francisco on February 16, 2012; however, lead
13 counsel for plaintiffs will be able to accommodate if the Court finds February 16, 2012, more
14 convenient;

15 **IT IS THEREFORE STIPULATED THAT:**

16 1. Subject to the Court's approval, oral argument in this matter, as well as the case
17 management conference scheduled for the same date, shall be continued from January 26, 2012
18 until February 9, 2012 or to February 16, 2012 if that is more convenient for the Court.

19
20 Dated: January 11, 2012

KEKER & VAN NEST LLP

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22 By: /s/ Michael D. Celio
23 MICHAEL D. CELIO
24 Attorneys for Defendants
25 INTUITIVE SURGICAL, INC.,
26 BENJAMIN GONG, ALEKS CUKIC,
27 JEROME MCNAMARA, GARY
28 GUTHART, MARHSALL MOHR, AND
LONNIE SMITH

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Dated: January 11, 2012

ABRAHAM, FRUCHTER & TWERKSY

By: /s/ Ian Berg
IAN BERG
Lead Counsel and Attorneys for Lead
Plaintiff
ST. LOUIS POLICE RETIREMENT
SYSTEM

*Filer's Attestation: Pursuant to General
Order No. 45, Section X.B. regarding non-
filing signatories, Michael D. Celio hereby
attests that concurrence in the filing of this
Stipulation and [Proposed] Order has been
obtained from Ian Berg.*

Pursuant to Stipulation and for good cause shown, oral argument on Defendants' Motion
to Dismiss the Amended Class Action Complaint and the Case Management Conference in this
action is continued from January 26, 2012 until February 16, 2012, at 1:30 p.m.

IT IS SO ORDERED.

DATED: January 11, 2012

By: Lucy H. Koh
HON. LUCY H. KOH
UNITED STATES DISTRICT JUDGE