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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

TOM BELLOMO, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

XENOPORT, INC., RONALD W.  
BARRETT, WILLIAM J. RIEFLIN, DAVID  
A. STAMLER, MARK A. GALLOP and  
DAVID R. SAVELLO,

Defendants.

No. CV-10-3301-RMW

**CLASS ACTION**

**ORDER GRANTING  
MOTION OF IE-CHEN CHENG FOR  
CONSOLIDATION OF RELATED  
ACTIONS, APPOINTMENT AS LEAD  
PLAINTIFF AND APPROVAL OF CO-  
LEAD COUNSEL**

Date: November 5, 2010  
Time: 9:00 a.m.  
Courtroom 6, 4<sup>th</sup> Floor  
Honorable Ronald M. Whyte

IE-CHEN CHENG, Individually and on  
Behalf of All others Similarly Situated,

Plaintiff,

XENOPORT, INC., RONALD W.  
BARRETT, WILLIAM J. RIEFLIN, DAVID  
A. STAMLER, MARK A. GALLOP and  
DAVID R. SAVELLO,

Defendants.

No. CV-10-4318-PVT

**ORDER**

1  
2 Having considered the motion of Ie-Chen Cheng for consolidation of related actions,  
3 appointment as lead plaintiff and approval of lead counsel, the memorandum of law in support  
4 thereof, the declaration of Michael Goldberg in support of that motion, and good cause  
5 appearing therefor,

6 **IT IS HEREBY ORDERED:**

- 7
- 8 1) The Motion is granted.
  - 9 2) The above-captioned related actions are consolidated for all purposes, pursuant  
10 to Federal Rule of Civil Procedure 42(a) (collectively, the “Consolidated Action”).
  - 11 3) Ie-Chen Cheng is appointed to serve as lead plaintiff in the Consolidated Action,  
12 pursuant to 15 U.S.C. §78u-4(a)(3)(B). The law firms of Harwood Feffer LLP and Robbins  
13 Geller Rudman & Dowd LLP are hereby approved as co-lead counsel for the Class, pursuant to  
14 15 U.S.C. §78u-4(a)(3)(B)(v).
  - 15 4) This Order (the “Order”) shall apply to the above-captioned Consolidated Action  
16 and to each case that relates to the same subject matter that is subsequently filed in this Court or  
17 is transferred to this Court and consolidated with the Action.
  - 18 5) An original of this Order shall be filed by the Clerk in the Master File.
  - 19 6) The Clerk shall mail a copy of this Order to counsel of record in the  
20 Consolidated Action.
  - 21 7) Every pleading in the Consolidated Action shall have the following caption:
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25 IN RE XENOPORT, INC. SECURITIES  
26 LITIGATION

No. CV-10-3301-RMW

1           8)       Lead counsel shall provide general supervision of the activities of plaintiffs'  
2 counsel and shall have the following responsibilities and duties to perform or delegate as  
3 appropriate:

4                   a)       to brief and argue motions;

5                   b)       to initiate and conduct discovery, including, without limitation,  
6 coordination of discovery with defendants' counsel, preparation of written interrogatories,  
7 requests for admission and requests for production of documents;

8                   c)       to direct and co-ordinate the examination of witnesses in depositions;

9                   d)       to act as spokesperson at pretrial conferences;

10                  e)       to call and chair meetings of plaintiffs' counsel as appropriate or  
11 necessary from time to time;

12                  f)       to initiate and conduct any settlement negotiations with counsel for  
13 defendants;

14                  g)       to provide general coordination of the activities of plaintiffs'  
15 counsel and to delegate work responsibilities to selected counsel as may be required in such a  
16 manner as to lead to the orderly and efficient prosecution of this litigation and to avoid  
17 duplication or unproductive effort;

18                   h)       to consult and employ experts;

19                   i)       to receive and review periodic time reports of all attorneys on behalf of  
20 plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs  
21 and to determine and distribute plaintiffs' attorneys' fees; and  
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j) to perform such other duties as may be expressly authorized by further order of this Court.

Dated: \_\_\_\_November 5\_\_\_\_, 2010

  
\_\_\_\_\_  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE