

1 KEKER & VAN NEST LLP
 MICHAEL D. CELIO - # 197998
 2 mcelio@kvn.com
 JO W. GOLUB - # 246224
 3 jgolub@kvn.com
 CODY S. HARRIS - # 255302
 4 charris@kvn.com
 PHILIP J. TASSIN - # 287787
 5 ptassin@kvn.com
 633 Battery Street
 6 San Francisco, CA 94111-1809
 Telephone: 415 391 5400
 7 Facsimile: 415 397 7188

8 Attorneys for Defendants
 INTUITIVE SURGICAL, INC., LONNIE M. SMITH, GARY S.
 9 GUTHART, SALVATORE J. BROGNA, AUGUSTO V.
 CASTELLO, JEROME J. McNAMARA, MARK J. MELTZER,
 10 MARSHALL L. MOHR, COLIN MORALES, and DAVID J.
 ROSA

11 LABATON SUCHAROW LLP
 12 JONATHAN M. PLASSE (*Pro Hac Vice*) - # JP-7515
 jplasse@labaton.com
 13 JONATHAN GARDNER (*Pro Hac Vice*) - # JG-8512
 jgardner@labaton.com
 14 SERENA HALLOWELL (*Pro Hac Vice*) - # SH-1120
 shallowell@labaton.com
 15 140 Broadway
 New York, NY 10005
 16 Telephone: 212 907 0700
 Facsimile: 212 818 0477



17 Attorneys for Plaintiffs and the Putative Class

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 19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN JOSE DIVISION

22 IN RE INTUITIVE SURGICAL
 23 SECURITIES LITIGATION

Case No. 5:13-cv-01920 EJD

CLASS ACTION

**STIPULATION REGARDING TIME TO
 RESPOND TO OPERATIVE
 COMPLAINT**

1 **WHEREAS**, pursuant to Local Rule 6-1(a) of the Civil Local Rules for the United States
2 District Court for the Northern District of California, the parties “may stipulate in writing,
3 without a Court order, to extend the time within which to answer or otherwise respond to the
4 complaint;”

5 **WHEREAS**, on October 15, 2013, Lead Plaintiff, Employees’ Retirement System of the
6 State of Hawaii and named Plaintiff, Greater Pennsylvania Carpenters’ Pension Fund (together
7 “Plaintiffs”) filed an Amended Consolidated Class Action Complaint (“ACAC”) in this action
8 [Dkt. 48];

9 **WHEREAS**, on December 16, 2013, Defendants filed a Motion to Dismiss the ACAC
10 [Dkt. 53];

11 **WHEREAS**, on August 21, 2014, the Court issued an order granting in part and denying
12 in part Defendant’s Motion to Dismiss, *see* Dkt. 83 (“Order”), and ordered Plaintiffs to file any
13 amended complaint within fifteen days of the Court’s Order (*i.e.*, Friday, September 5, 2014);

14 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants’
15 response to the ACAC would be due on Thursday, September 4, 2014—one day before the
16 Court’s deadline for Plaintiffs to file an amended complaint;

17 **WHEREAS**, the parties have met and conferred and agree that it is in their mutual
18 interest to extend the Defendants’ time within which to answer or otherwise respond to any
19 operative complaint in this action;

20 **IT IS THEREFORE STIPULATED THAT:**

21 Defendants shall not be required to respond to any operative complaint in this action,
22 whether that be (a) the ACAC or (b) an amended complaint Plaintiffs file by the deadline set by

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1 the Court's Order, until 35 days after that deadline has passed. Accordingly, Defendant's
2 response will be due no later than Friday, October 10, 2014.

3 IT IS SO STIPULATED.

4 Dated: September 3, 2014

KEKER & VAN NEST LLP

6 By: /s/ Michael D. Celio
MICHAEL D. CELIO
7 JO W. GOLUB
8 CODY S. HARRIS
PHILIP L. TASSIN

9 Attorneys for Defendants
10 INTUITIVE SURGICAL, INC., LONNIE
11 M. SMITH, GARY S. GUTHART,
12 SALVATORE J. BROGNA, AUGUSTO
13 V. CASTELLO, JEROME J.
McNAMARA, MARK J. MELTZER,
MARSHALL L. MOHR, COLIN
MORALES, and DAVID J. ROSA

14 Dated: September 3, 2014

LABATON SUCHAROW LLP

16 By: /s/ Serena Hallowell
17 JONATHAN M. PLASSE
18 JONATHAN GARDNER
19 SERENA HALLOWELL

20 Attorneys for Plaintiffs and the Putative
21 Class

22 **CONCURRENCE**

23 I, Michael D. Celio, am the ECF user whose ID and password are being used to file this
24 Stipulation Regarding Time to Answer Operative Complaint. In compliance with General Order
25 45, X.B., I hereby attest that Serena Hallowell has concurred in this filing.
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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 3, 2014.

/s/ Michael D. Celio
MICHAEL D. CELIO

1 **Mailing Information for Case 5:13-cv-01920-EJD In re Intuitive Surgical Securities**
2 **Litigation**

3 **Electronic Mail Notice List**

4 The following are those who are currently on the list to receive e-mail notices for this case.

- 5 • **Eric J. Belfi**
ebelfi@labaton.com, ElectronicCaseFiling@labaton.com
- 6 • **Mary K. Blasy**
mblasy@rgrdlaw.com, e_file_sd@rgrdlaw.com
- 7 • **Michael D. Celio**
8 mdc@kvn.com, gpeterson@kvn.com, efilng@kvn.com, ehrlich@kvn.com
- 9 • **Susannah Ruth Conn**
SConn@rgrdlaw.com
- 10 • **Jennifer Rae Crutchfield**
jcrutchfield@cpmlegal.com, mkeilo@cpmlegal.com, jacosta@cpmlegal.com
- 11 • **Michael M. Goldberg**
12 mmgoldberg@glancylaw.com, csadler@glancylaw.com, info@glancylaw.com,
rprongay@glancylaw.com
- 13 • **Jo W. Golub**
14 jgolub@kvn.com, efilng@kvn.com, SHarmison@kvn.com, sgiminez@kvn.com,
jah@kvn.com
- 15 • **Serena Hallowell**
shallowell@labaton.com, mrusso@labaton.com, efarber@labaton.com,
dstampley@labaton.com
- 16 • **Cody Shawn Harris**
17 charris@kvn.com, jsmith@kvn.com, efilng@kvn.com
- 18 • **Arthur Charles Leahy**
artl@rgrdlaw.com, e_file_sd@rgrdlaw.com
- 19 • **Jeremy A Lieberman**
jalieberman@pomlaw.com
- 20 • **Reid Patrick Mullen**
rmullen@kvn.com, efilng@kvn.com, sharmison@kvn.com, pal@kvn.com
- 21 • **Danielle Suzanne Myers**
22 dmyers@rgrdlaw.com, e_file_sd@rgrdlaw.com, sconn@rgrdlaw.com,
e_file_sf@rgrdlaw.com
- 23 • **Jonathan M. Plasse**
jplasse@labaton.com, electroniccasefiling@labaton.com
- 24 • **Philip James Tassin**
ptassin@kvn.com, efilng@kvn.com, sharmison@kvn.com, sgiminez@kvn.com
- 25 • **Shawn A. Williams**
26 shawnw@rgrdlaw.com, e_file_sd@rgrdlaw.com, e_file_sf@rgrdlaw.com

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Manual Notice List

The following is the list of attorneys who are not on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

(No manual recipients)