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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 KARIM KHOJA, on behalf of himself and
12 all others similarly situated,

13 Plaintiff,

14 v.

15 OREXIGEN THERAPEUTICS, INC.,
16 JOSEPH P. HAGAN, MICHAEL A.
17 NARACHI, and PRESTON KLASSEN,

18 Defendants.

Case No.: 15-CV-540 JLS (KSC)

**ORDER STAYING CASE AND
DEFERRING RULING ON
RENEWED MOTION TO DISMISS
PENDING DISPOSITION OF
APPEAL**

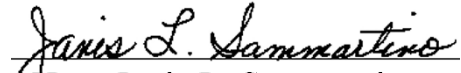
(ECF Nos. 98, 99)

19 Presently before the Court is Defendants Joseph P. Hagan, Michael A. Narachi, and
20 Preston Klassen's (the "Moving Defendants") Motion to Dismiss Consolidated Complaint
21 for Violation of the Federal Securities Laws ("Renewed Mot.," ECF No. 98). On January
22 23, 2019, the Court set a briefing schedule and a hearing for April 18, 2019. *See* ECF No.
23 97. On March 5, 2019, the United States Court of Appeals for the Ninth Circuit recalled
24 the mandate issued on November 13, 2018, as "issued in error." *See* ECF No. 99. Having
25 been divested of jurisdiction, *see, e.g., Apple, Inc. v. Samsung Elecs. Co.*, No. 11-CV-
26 01846-LHK, 2012 WL 1987042, at *1 (N.D. Cal. June 4, 2012) ("Simply
27 put, jurisdiction follows the mandate.") (quoting *United States v. Rodgers*, 101 F.3d 247,
28 251 (2d Cir. 1996)), the Court **STAYS** this action and **DEFERS RULING ON** the Moving

1 Defendants' Renewed Motion pending receipt of a mandate from the Ninth Circuit in
2 *Khoja v. Orexigen Therapeutics, Inc.*, No. 16-56069 (9th Cir. Filed July 26, 2016).

3 **IT IS SO ORDERED.**

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5 Dated: March 6, 2019


6 Hon. Janis L. Sammartino
7 United States District Judge
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