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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BARAN POLAT, Individually and
On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

REGULUS THERAPEUTICS INC.,
PAUL C. GRINT, and JOSEPH P.
HAGAN,

Defendants.

No. 3:17-cv-00182-BTM-RBB

**ORDER GRANTING MOTION OF
MARK APPEL AND MICHAEL
SPITTERS FOR
CONSOLIDATION OF THE
ACTIONS, APPOINTMENT AS
LEAD PLAINTIFFS, AND
APPROVAL OF SELECTION OF
COUNSEL**

LI JIN, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

REGULUS THERAPEUTICS INC.,
JOSEPH P. HAGAN, PAUL C. GRINT,
and TIMOTHY WRIGHT,

Defendants.

No. 3:17-cv-00267- BTM-RBB

1 Having considered the papers filed in support of the Motion of class members
2 Mark Appel and Michael Spitters (“Movants”) for Consolidation of the Actions,
3 Appointment as Lead Plaintiffs, and Approval of Selection of Counsel pursuant to
4 the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. §
5 78u-4(a)(3)(B), and for good cause shown, the Court hereby ORDERS as follows:

6 **I. CONSOLIDATION OF RELATED ACTIONS**

7 1. The above-captioned securities fraud class actions (the “Actions”)
8 pending in this Judicial District are hereby consolidated for all purposes pursuant
9 to Rule 42(a) of the Federal Rules of Civil Procedure. Any actions that have been
10 filed, or may be filed, which are related and which may be considered herewith, are
11 consolidated with the *Polat* case under Case No. 3:17-cv-00182-BTM-RBB (the
12 “Consolidated Action”).

13 2. A Master File is hereby established for the consolidated proceedings
14 in the Consolidated Action. The docket number for the Master File shall be Master
15 File No. 3:17-cv-00182-BTM-RBB. The original of this Order shall be filed by the
16 Clerk in the Master File. The Clerk shall mail a copy of this Order to counsel of
17 record in each of the above-captioned actions.

18 3. Every pleading filed in the Consolidated Action shall bear the
19 following caption:

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IN RE REGULUS THERAPEUTICS INC. SECURITIES LITIGATION
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Master File No. 3:17-cv-00182-
BTM-RBB

24 **II. APPOINTMENT OF LEAD PLAINTIFF AND COUNSEL**

25 4. Movants have moved this Court to be appointed as Co-Lead Plaintiffs
26 in the Actions and to approve the counsel they retained to be Lead Counsel.

27 ORDER GRANTING MOTION OF MARK APPEL AND MICHAEL SPITTERS FOR
28 CONSOLIDATION OF THE ACTIONS, APPOINTMENT AS LEAD PLAINTIFFS, AND
APPROVAL OF SELECTION OF COUNSEL

Case Nos. 3:17-cv-00182-BTM-RBB and 3:17-cv-00267-BTM-RBB

1 5. Having considered the provisions of Section 21D(a)(3)(B) of the
2 PSLRA, 15 U.S.C. § 78u-4(a)(3)(B), the Court hereby determines that Movants are
3 the most adequate plaintiffs and satisfy the requirements of the PSLRA. The Court
4 hereby appoints Movants as Co-Lead Plaintiffs to represent the interests of the class.

5 6. Pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, 15 U.S.C. § 78u-
6 4(a)(3)(B)(v), Movants have selected and retained the law firm of Levi & Korsinsky
7 LLP to serve as Lead Counsel. The Court approves Movants' selection of Lead
8 Counsel.

9 7. Lead Counsel shall have the following responsibilities and duties, to
10 be carried out either personally or through counsel whom Lead Counsel shall
11 designate:

- 12 a. to coordinate the briefing and argument of any and all motions;
- 13 b. to coordinate the conduct of any and all discovery proceedings;
- 14 c. to coordinate the examination of any and all witnesses in
15 depositions;
- 16 d. to coordinate the selection of counsel to act as spokesperson at
17 all pretrial conferences;
- 18 e. to call meetings of the plaintiffs' counsel as he deems necessary
19 and appropriate from time to time;
- 20 f. to coordinate all settlement negotiations with counsel for
21 defendants;
- 22 g. to coordinate and direct the pretrial discovery proceedings and
23 the preparation for trial and the trial of this matter, and to delegate work
24 responsibilities to selected counsel as may be required;
- 25 h. to coordinate the preparation and filings of all pleadings; and
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1 i. to supervise all other matters concerning the prosecution or
2 resolution of the claims asserted in the Consolidated Action.

3 8. No motion, discovery request, or other pretrial proceedings shall be
4 initiated or filed by any plaintiffs without first consulting with the Lead Counsel, so
5 as to prevent duplicative pleadings or discovery by plaintiffs.

6 9. Service upon any plaintiff of all pleadings, motions, or other papers in
7 the Consolidated Action, except those specifically addressed to a plaintiff other than
8 Co-Lead Plaintiffs, shall be completed upon service of Lead Counsel.

9 10. Lead Counsel shall be the contact between plaintiff's counsel and
10 defendants' counsel, as well as the spokespersons for all plaintiff's counsel, and
11 shall direct and coordinate the activities of plaintiff's counsel. Lead Counsel shall
12 be the contact between the Court and plaintiff and its counsel.

13 **III. NEWLY FILED OR TRANSFERRED ACTIONS**

14 11. When a case that arises out of the subject matter of this action is
15 hereinafter filed in this Court or transferred from another Court, the Clerk of this
16 Court shall:

- 17 a. file a copy of this Order in the separate file for such action;
- 18 b. mail a copy of this Order to the attorneys for the plaintiff(s) in
19 the newly filed or transferred case and to any new defendant(s) in the newly filed
20 or transferred case; and
- 21 c. make the appropriate entry on the docket for this action.

22 12. Each new case that arises out of the subject matter of the action that is
23 filed in this Court or transferred to this Court shall be consolidated with the
24 Consolidated Action and this Order shall apply thereto, unless a party objecting to
25 this Order or any provision of this Order shall, within ten (10) days after the date

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1 upon which a copy of this Order is served on counsel for such party, file an
2 application for relief from this Order or any provision herein and this Court deems
3 it appropriate to grant such application.

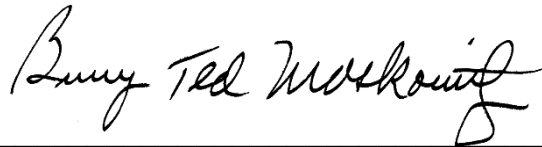
4 13. During the pendency of this litigation, or until further order of this
5 Court, the parties shall take reasonable steps to preserve all documents within their
6 possession, custody or control, including computer-generated and stored
7 information and materials such as computerized data and electronic mail, containing
8 information that is relevant to or which may lead to the discovery of information
9 relevant to the subject matter of the pending litigation.

10 **IV. CONCLUSION**

11 For the reasons discussed above, Movants' motion is **GRANTED**. (ECF
12 No. 10.) Pending before the Court is also Joseph Buscema's, Sheng Wang's, and
13 Liying Donchez's (collectively the "Regulus Investor Group") competing motion
14 for consolidation, appointment as lead plaintiff, and approval of counsel. (ECF
15 No. 11.) Because the Regulus Investor Group has effectively withdrawn its own
16 motion for lead plaintiff and approval of counsel, the Court **DENIES** it as moot.

17 **IT IS SO ORDERED.**

18 DATED: October 26, 2017

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22 HONORABLE BARRY TED MOSKOWITZ
23 UNITED STATES DISTRICT COURT JUDGE

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27 ORDER GRANTING MOTION OF MARK APPEL AND MICHAEL SPITTERS FOR
28 CONSOLIDATION OF THE ACTIONS, APPOINTMENT AS LEAD PLAINTIFFS, AND
APPROVAL OF SELECTION OF COUNSEL

Case Nos. 3:17-cv-00182-BTM-RBB and 3:17-cv-00267-BTM-RBB