

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

TONY NGUYEN, On Behalf of Himself and All )  
Others Similarly Situated, )

Plaintiff, )

v. )

ENDOCYTE, INC. and P. RON ELLIS, )

Defendants. )

Case No. 1:14-cv-01048-TWP-MJD

CLASS ACTION

\_\_\_\_\_  
VIVIAN OH REVOCABLE TRUST, On Behalf )  
of Himself and All Others Similarly Situated, )

Plaintiff, )

v. )

ENDOCYTE, INC. and P. RON ELLIS, )

Defendants. )

Case No. 1:14-cv-01162-TWP-MJD

**ORDER CONSOLIDATING RELATED ACTIONS AND APPOINTING  
LEAD PLAINTIFF AND LEAD COUNSEL**

This matter is before the Court on Motions to Consolidate Related Actions, Appoint Lead Plaintiff, and Approve Lead Plaintiff’s Selection of Counsel, filed as follows: in Case No. 1:14-cv-01048- TWP-MJD, Movant Ho Wing Sit (Filing No. 13), Endocyte Investors Group (Filing No. 25), Vijay Vuyyuru (Filing No. 28), and Gopichand Vallabhaneni (Filing No. 33) and under Case No. 1:14-cv-01162-TWP-MJD Vijay Vuyyuru (Filing No. 24). Defendants concur that consolidation is proper (Filing No. 66). For the reasons stated below the Motions to Consolidate, Appoint Lead Plaintiff and Approve Lead Plaintiff’s Selection of Counsel filed by Gopichand Vallabhaneni are **GRANTED**.

Federal Rule of Civil Procedure 42(a) provides that a court may order all actions consolidated if they involve “common issues of law or fact.” The Securities Class Actions herein involve common legal and factual issues; thus, efficiency and consistency will result from their consolidation. The PSLRA provides, *inter alia*, that the most-adequate plaintiff to serve as lead plaintiff is the person or group of persons that has either filed a complaint or has made a motion in response to a notice and has the largest financial interest in the relief sought by the Class and satisfied the requirement of Fed. R. Civ. P. 23. Title 15 U.S.C. § 78u-4(a)(3)(B) provides, *inter alia*, that as soon as practicable after the decision on consolidation is rendered, the Court shall appoint the most adequate plaintiff as lead plaintiff for the consolidated actions.

Subsequent to filing their individual motions, all competing movants have conceded that the lead Plaintiff should be Mr. Vallabhaneni. The Court finds that Gopichand Vallabhaneni has the largest financial interest in the relief sought by the Class and he is therefore appointed lead Plaintiff and the Court approves his choice of counsel.

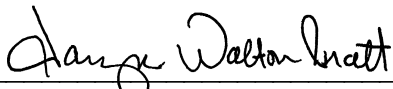
**IT IS HEREBY ORDERED THAT:**

The above-captioned related actions are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings and trial pursuant to Fed. R. Civ. P. 42(a). Gopichand Vallabhaneni’s choice of counsel, the law firm of Kahn Swick & Foti, LLC and Brattain Minnix Garcia as Liaison Counsel for Plaintiffs is approved.

Under Case No. 1:14-cv-01048-TWP-MJD, Movant’s Ho Wing Sit (Filing No. 13), Endocyte Investors Group (Filing No. 25), and Vijay Vuyyuru (Filing No. 28) Motions are **DENIED** and Mr. Vallabhaneni’s Motion (Filing No. 33) is **GRANTED**. Further, Mr. Vuyyuru’s Motion under Case No. 1:14-cv-01162-TWP-MJD (Filing No. 24) is **GRANTED** as to the motion to consolidate.

The Clerk is Ordered to consolidate Case No. 1:14-cv-01162-TWP-MJD with and under Case No. 1:14-cv-01048-TWP-MJD. The Clerk shall administratively close Case No. 1:14-cv-01162-TWP-MJD. All future filings shall be made in Case No. 1:14-cv-01048-TWP- MJD and the caption shall read: Gopichand Vallabhaneni, on Behalf of Himself and All Others Similarly Situated, plaintiff vs. Endocyte, Inc. and P. Ron Ellis, Defendants.

Date: 9/22/2014

  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

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