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7
 8 **IN THE UNITED STATES DISTRICT COURT**
FOR THE DISTRICT OF NEVADA

9 DENISE DEANGELIS, derivatively on behalf of
 10 ANAVEX LIFE SCIENCES CORP.,

11 Plaintiff,

12 vs.

13 CHRISTOPHER MISSLING, PETER
 14 DONHAUSER, JIONG MA, ATHANASIOS
 SKARPELOS, STEFFEN THOMAS, and
 15 CLAU VAN DER VELDEN,

16 Defendants,

17 and

18 ANAVEX LIFE SCIENCES CORP.,

19 Nominal Defendant.
 20

Case No.: 2:24-cv-00891-JCM-MDC

**FOURTH STIPULATION EXTENDING
 TIME FOR PLAINTIFF TO RESPOND TO
 NOMINAL DEFENDANT ANAVEX LIFE
 SCIENCES CORP.’S OPPOSITION (ECF
 NO. 8) AND COUNTERMOTION (ECF NO.
 11)**

(Fourth Request)

21 The parties to the above-captioned action hereby stipulate to extend the amount of time for plaintiff
 22 Denise Deangelis (“Plaintiff”) to: (1) reply to Nominal Defendant Anavex Life Sciences Corp.’s
 23 (“Anavex” or the “Company”) Response to Motion for Entry of Clerk’s Default (the “Opposition”) filed
 24 October 8, 2024 (ECF No. 8); and (2) respond to Anavex’s separately filed Counter Motion for Scheduling
 25 Order filed October 9, 2024 (ECF No. 11) and in support thereof state as follows:
 26

27 WHEREAS, on May 13, 2024, Plaintiff filed a Verified Shareholder Derivative Complaint on
 28

THIRD STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR PLAINTIFF TO
 RESPOND TO NOMINAL DEFENDANT ANAVEX LIFE SCIENCES CORP.’S OPPOSITION AND
 COUNTERMOTION

1 behalf of Nominal Defendant Anavex in this Court alleging causes of action for breach of fiduciary duties,
2 unjust enrichment, waste of corporate assets, gross mismanagement, abuse of control, and violations of
3 Section 14(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) against defendants Christopher
4 Missling (“Missling”), Peter Donhauser, Jiong Ma, Athanasios Skarpelos, Steffen Thomas, and Claus van
5 der Velden (collectively, the “Individual Defendants,” and together with Anavex, the “Defendants”), and
6 against Defendant Missling for contribution under Sections 10(b) and 21D of the Exchange Act (ECF No.
7 1);

8
9 WHEREAS, on July 1, 2024, Plaintiff personally served the registered agent of Nominal
10 Defendant Anavex (ECF No. 5);

11 WHEREAS, on September 26, 2024, Plaintiff filed a Request to the Clerk of the Court to Enter
12 Default as to Anavex (ECF No. 7);

13 WHEREAS, on October 8, 2024, Anavex filed a Response to Motion for Entry of Clerk’s Default
14 (the “Opposition”) (ECF No. 8);

15
16 WHEREAS, on October 9, 2024, Anavex separately filed a Counter Motion for Scheduling Order
17 (the “Counter motion”) (ECF No. 11);

18 WHEREAS, on October 15, 2024, the parties jointly filed a Stipulation Extending Time for
19 Plaintiff to Respond to Nominal Defendant Anavex Life Sciences Corp’s Opposition (ECF No. 8) and
20 Counter motion (ECF No. 11), requesting that the Court extend the deadline for Plaintiff to respond to both
21 the Opposition and the Counter motion by one week, which the Court so ordered on October 16, 2024
22 (ECF Nos. 12, 13);

23
24 WHEREAS, on October 22, 2024, the parties jointly filed a Second Stipulation Extending Time
25 for Plaintiff to Respond to Nominal Defendant Anavex Life Sciences Corp.’s Opposition (ECF No. 8) and
26 Counter motion (ECF No. 11), requesting that the Court extend the deadline for Plaintiff to respond to both
27 the Opposition and the Counter motion by two weeks, which the Court so ordered on October 28, 2024
28

1 (the “Order”) (ECF Nos. 14, 15);

2 WHEREAS, on November 5, 2024, the parties jointly filed a Third Stipulation Extending Time
3 for Plaintiff to Respond to Nominal Defendant Anavex Life Sciences Corp.’s Opposition (ECF No. 8) and
4 Countermotion (ECF No. 11), requesting that the Court extend the deadlines for Plaintiff to respond to
5 both the Opposition and the Countermotion by one week, which would make the new deadlines November
6 12, 2024, and November 20, 2024, respectively (ECF No. 16);

7
8 WHEREAS, counsel for Plaintiff and counsel for Anavex have continued to meet and confer
9 regarding the Opposition and Countermotion and the most efficient way to proceed and agree that a one-
10 week extension of Plaintiff’s deadline to reply to the Opposition, and a one-week extension of Plaintiff’s
11 deadline to respond to the Countermotion are reasonable to account for the parties’ discussions on next
12 steps to be taken in the case.

13
14 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the respective
15 parties hereto, that:

- 16 1. Plaintiff’s deadline to reply to the Opposition shall be November 19, 2024.
17 2. Plaintiff’s deadline to respond to the Countermotion shall be November 27, 2024.

18
19 Respectfully submitted,

20 Dated: November 12, 2024

LEVERTY & ASSOCIATES LAW CHTD.

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Attorneys for Plaintiff

Dated: November 12, 2024

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: 11-26-24

