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Case No. 11-cv-01345-JLR Document 7-3 Filed 09/22/11 Page 1 of 5

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM D. WAGNER, derivatively on
behalf of Dendreon Corporation,

Plaintiff,

v.

MITCHELL H. GOLD, SUSAN B. BAYH,
RICHARD B. BREWER, GERARDO
CANET, BOGDAN DZIURZYNSKI,
PEDRO GRANADILLO, DAVID C.
STUMP, DOUGLAS G. WATSON, and
DAVID L. URDAL,

Defendants,

—and—

DENDREON CORPORATION,

Nominal Defendant.

No. C11-1345

~~Proposed~~ ORDER
BY JUDGE ROBERT
CONSOLIDATING CASES,
APPOINTING LEAD PLAINTIFF, AND
APPOINTING LEAD AND LIAISON
COUNSEL

per

NOTE ON MOTION CALENDAR:
Friday, October 7, 2011

PAULA NICHOLAS, on behalf of nominal
defendant Dendreon Corporation,

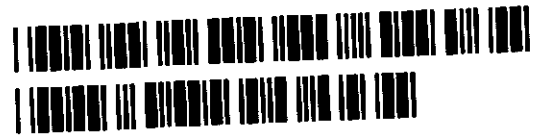
Plaintiff,

v.

MITCHELL H. GOLD, GREGORY T.
SCHIFFMAN, HANS E. BISHOP, SUSAN
B. BAYH, RICHARD B. BREWER,
GERARDO CANET, BOGDAN
DZIURZYNSKI, PEDRO GRANADILLO,
DAVID C. STUMP, DAVID L. URDAL, and
DOUGLAS G. WATSON,

Defendants,

No. C11-1346 JLR



11-CV-01345-ORD

PLS.' MOT. TO TRANSFER & CONSOLIDATE
Nos. C11-1345 JCC, C11-1346 JLR, C11-1476 JCC

LAW OFFICES OF
CLIFFORD A. CANTOR, P.C.
627 208th Ave. SE
Sammamish, WA 98074-7033
Tel: (425) 868-7813 • Fax: (425) 732-3752

1 —and—

2 DENDREON CORPORATION,
3 Nominal Defendant.

4
5 JARED ROSS, derivatively on behalf of
6 Dendreon Corporation,

7 Plaintiff,

8 v.

9 MITCHELL H. GOLD, GREGORY T.
10 SCHIFFMAN, HANS E. BISHOP, MARK
11 W. FROHLICH, RICHARD J. RANIERI,
12 DAVID L. URDAL, RICHARD B.
13 BREWER, SUSAN B. BAYH, GERARDO
CANET, BOGDAN DZIURZYNSKI,
PEDRO GRANADILLO, DAVID C.
STUMP, AND DOUGLAS WATSON,

14 Defendants,

15 —and—

16 DENDREON CORPORATION,
17 Nominal Defendant.

No. C11-1476

18
19 This matter is before the Court(s) on the motion of plaintiffs William D. Wagner (in C11-
20 1345 JCC) and Paula Nicholas (in C11-1346 JLR) (collectively, the “Wagner Group”) to
21 (i) transfer the three above-captioned actions to a single judge; (ii) consolidate the three actions
22 for all purposes; (iii) appoint the Wagner Group as lead plaintiff; (iv) appoint Levi & Korsinsky
23 LLP and Federman & Sherwood as co-lead counsel and Law Offices of Clifford A. Cantor, P.C.
24 as liaison counsel; and (v) enter the proposed orders submitted with their motion.

25 For the reasons given in the Wagner Group’s motion, the Court finds and concludes that
26 the motion is well-taken, and therefore hereby **ORDERS** as follows:
27

1 (i) **Identification of cases.** This order pertains to the following three shareholder
2 derivative cases:

3 *Wagner v. Gold, et al.*, No. C11-1345 (W.D. Wash.), filed Aug. 12, 2011
4 *Nicholas v. Gold, et al.*, No. C11-1346 JLR (W.D. Wash.), filed Aug. 12, 2011
5 *Ross v. Gold, et al.*, No. C11-1476 (W.D. Wash.), filed Sep. 7, 2011

6 and any subsequently filed derivative actions described in Part (viii), below.

7 (ii) **Consolidation.** These three actions, *Wagner, Nicholas, and Gold*, and any
8 subsequently filed derivative actions described in Part (viii), below, are consolidated for all
9 purposes, including pretrial proceedings and trial.

10 (iii) **Caption.** Every pleading filed in this consolidated action, or in any separate
11 action included herein, shall bear the following caption:

12 In re DENDREON CORP.
13 DERIVATIVE LITIGATION

Master File No. C11-1345 JLR

14 This document relates to:
15 [ALL] ACTIONS
16

17 (iv) **Master Docket.** The files of the consolidated action shall be maintained in one
18 file under Master File No. C11-1345 JLR.

19 (v) **Pleadings and Responses.** No response is necessary to the complaints filed in
20 the individual derivative actions prior to consolidation. Lead Plaintiff (see below) in the
21 consolidated action will file a consolidated amended and/or supplemented complaint ("CASC")
22 within 14 days after the date of this order. The CASC will be deemed the operative complaint in
23 the consolidated action; and defendants need respond only to the CASC. Defendants will
24 respond to the CASC within 21 days after the date the CASC is filed.

25 (vi) **Lead Plaintiff.** The Wagner Group, consisting of plaintiffs William D. Wagner
26 and Paula Nicholas, is appointed as the lead plaintiff in the consolidated action.
27

1 (vii) **Organization of Plaintiffs' Counsel.** Co-Lead Counsel for plaintiffs for the
2 conduct of these consolidated actions are as follows:

3 LEVI & KORSINSKY LLP
4 Eric M. Andersen
5 30 Broad St., 15th Fl.
6 New York, NY 10004
7 Tel: (212) 363-7500
8 Fax: (212) 363-7171

9 FEDERMAN & SHERWOOD.
10 William B. Federman
11 10205 N. Pennsylvania Ave.
12 Oklahoma City, OK 73120
13 Tel: (405) 235-1560
14 Fax: (405) 239-2112

15 Each of Co-Lead Counsel shall have authority to speak for plaintiffs in this consolidated
16 action in matters regarding pre-trial procedure, trial, and settlement negotiations and shall make
17 all work assignments in such manner as to facilitate the orderly and efficient prosecution of this
18 litigation and to avoid duplicative or unproductive effort.

19 Co-Lead Counsel shall be responsible for coordinating all activities and appearances on
20 behalf of plaintiffs and for the dissemination of notices and orders of this Court in this
21 consolidated action. No motion, request for discovery, or other pre-trial or trial proceedings
22 shall be initiated or filed by any plaintiffs except through plaintiffs' Co-Lead Counsel or their
23 designee.

24 Each of Co-Lead Counsel also shall be available and responsible for communications to
25 and from this Court in this consolidated action, including distributing orders and other directions
26 from the Court to counsel.

27 Liaison counsel for plaintiffs for the conduct of these consolidated actions is as follows:


LAW OFFICES OF CLIFFORD A. CANTOR, P.C.
Cliff Cantor
627 208th Ave. SE
Sammamish, WA 98704
Tel: (425) 868-7813
Fax: (425) 732-3752

1 (viii) **Newly filed or transferred actions.** This Order shall apply to each shareholder
2 derivative action arising out of the same or substantially the same transactions or events as these
3 cases, which is subsequently filed in or transferred to this Court. When a case that properly
4 belongs as part of the *In re Dendreon Corp. Derivative Litigation*, Master File No. C11-1345
5 JLR, is hereafter filed in this District or transferred here from another district, this Court requests
6 the assistance of counsel in calling to the attention of the clerk of the Court the filing or transfer
7 of any case that might properly be consolidated as part of this consolidated action, and counsel
8 are to assist in assuring that counsel in subsequent actions receive notice of this Order.

9 (ix) **Pro hac vice admission.** Any lawyer admitted pro hac vice in any of the actions
10 making up this consolidated action are deemed admitted pro hac vice in this consolidated action.

11 ~~XXXXXXXXXX~~

12
13 Dated this 1st day of December, 2011.

14 
15 _____
16 THE HONORABLE JAMES L. ROBERT
UNITED STATES DISTRICT JUDGE

JLR

17 Presented by:
18 Law Offices of Clifford A. Cantor, P.C.
19 s/ Cliff Cantor, WSBA # 17893
20 627 208th Ave. SE
Sammamish, WA 98074
21 (425) 868-7813

22
23 Certificate of Service

24 I certify that I caused this proposed order to be filed with the Clerk of the Court via
25 CM/ECF under each of the three case numbers identified in the captions above, which will cause
notification to be sent to all counsel of record.

26 s/ Cliff Cantor, WSBA # 17893