

HONORABLE RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

DAVID E. MAYS, Derivatively on Behalf of  
Nominal Defendant JUNO THERAPEUTICS,  
INC.,

Plaintiff,

v.

HANS E. BISHOP, RICHARD D.  
KLAUSNER, ROBERT T. NELSEN,  
HOWARD H. PIEN, HAL V. BARRON,  
THOMAS O. DANIEL, ANTHONY B.  
EVNIN, MARY AGNES WILDEROTTER,  
MARC TESSIER-LAVIGNE, and STEVEN  
D. HARR,

Defendants,

and

JUNO THERAPEUTICS, INC.,

Nominal Defendant.

Case No. 2:17-cv-01356-RSM

**STIPULATED MOTION TO  
CONSOLIDATE RELATED ACTIONS  
AND APPOINT CO-LEAD COUNSEL  
AND LIAISON COUNSEL**

STIPULATED MOTION TO CONSOLIDATE,  
AND APPOINT CO-LEAD AND  
LIAISON COUNSEL  
CASE NOS. 2:17-cv-01356-RSM and  
2:17-cv-01665-RSL

Zwerling, Schachter, & Zwerling, LLP  
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Seattle, WA 98101-1170  
Tel: (206) 223-2053  
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1 PAUL SZOLLOSI, Derivatively on Behalf  
2 of Nominal Defendant JUNO  
3 THERAPEUTICS, INC.,

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Plaintiff,

v.

HANS E. BISHOP, RICHARD D.  
KLAUSNER, ROBERT T. NELSEN,  
HOWARD H. PIEN, HAL V. BARRON,  
THOMAS O. DANIEL, ANTHONY B.  
EVNIN, MARY AGNES  
WILDEROTTER, MARC TESSIER-  
LAVIGNE, STEVEN D. HARR and  
MARK J. GILBERT,

Defendants,

and

JUNO THERAPEUTICS, INC.,

Nominal Defendant.

Case No. 2:17-cv-01665-RSM

STIPULATED MOTION TO CONSOLIDATE,  
AND APPOINT CO-LEAD AND  
LIAISON COUNSEL  
CASE NOS. 2:17-cv-01356-RSM and  
2:17-cv-01665-RSL

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1 WHEREAS, on September 8, 2017, David E. Mays (“Mays”) filed a stockholder derivative  
2 complaint in this Court against defendants Hans E. Bishop, Richard D. Klausner, Robert T. Nelsen,  
3 Howard H. Pien, Hal V. Barron, Thomas O. Daniel, Anthony B. Evnin, Mary Agnes Wilderotter,  
4 Marc Tessier-Lavigne, and Steven D. Harr, styled *Mays v. Bishop, et al.*, 2:17-cv-01356-RSM (the  
5 “*Mays Action*”);

6 WHEREAS, on November 6, 2017, Paul Szollosi (together with Mays, “Plaintiffs”) filed  
7 a stockholder derivative complaint in this Court against the defendants in the *Mays Action*, with  
8 the addition of Mark J. Gilbert (collectively, “Defendants”), styled *Szollosi v. Bishop, et al.*, 2:17-  
9 cv-01665-RSL (the “*Szollosi Action*,” and together with the *Mays Action*, the “*Actions*”);

11 WHEREAS, on November 7, 2017, in the *Mays Action* the Court so-ordered a stipulation  
12 filed by the parties on November 2, 2017 setting Defendants’ time to respond to the complaint,  
13 vacating discovery deadlines, and setting a briefing schedule for Defendants’ motion to transfer;

14 WHEREAS, Defendants have waived service in the *Mays Action* and anticipate waiving  
15 service in the *Szollosi Action*;

17 WHEREAS, the *Actions* arise out of the same transactions and occurrences, involve the  
18 same or substantially similar issues of law and fact, and therefore, the *Actions* should be  
19 consolidated for all purposes into a single consolidated action (“the Consolidated Derivative  
20 *Action*”);

21 WHEREAS, Plaintiffs and Defendants agree that consolidation is appropriate;

22 WHEREAS, Plaintiffs have met and conferred and have agreed that: (1) the law firms of  
23 Harwood Feffer LLP (“Harwood Feffer”) and the Weiser Law Firm, P.C. (“Weiser Law Firm”)  
24 should be appointed as Plaintiffs’ Co-Lead Counsel in the Consolidated Derivative *Action*; and  
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1 (3) the law firm of Zwerling, Schachter & Zwerling, LLP (“Zwerling Schachter”) should be  
2 appointed as Liaison Counsel in the Consolidated Derivative Action;

3 WHEREAS, Defendants take no position as to the appointment of Plaintiffs’ Co-Lead  
4 Counsel or Liaison Counsel in the Consolidated Derivative Action;

5 WHEREAS, the parties have met and conferred regarding Defendants’ anticipated motion  
6 to transfer in the *Mays* Action, which is currently due on November 17, 2017 pursuant to the so-  
7 ordered stipulation signed by the Court on November 7, 2017 referenced above, and the fact that  
8 Defendants likewise intend to file a motion to transfer the *Szollosi* Action;  
9

10 WHEREAS, the parties agree that it would be more efficient for the Court to hear a single  
11 motion to transfer in a consolidated action, if the Court approves this Stipulation, and that it  
12 therefore makes sense to postpone Defendants’ motion to transfer until after the Court has ruled  
13 on this Stipulation;

14 NOW, THEREFORE, to conserve the resources of the Court and the litigants, the  
15 undersigned counsel for the parties hereby move the Court for an order as follows (with the proviso  
16 that Defendants take no position as to the appointment of Plaintiffs’ Co-Lead Counsel or Liaison  
17 Counsel):  
18

19 **I. CONSOLIDATION**

20 1. The Court finds that the Actions arise out of the same transactions and occurrences,  
21 involve the same or substantially similar issues of law and fact, and therefore, the Court has  
22 determined that the administration of justice would be served by consolidating the Actions.  
23

24 2. The Actions are hereby consolidated for all purposes and are referred to herein as  
25 the Consolidated Derivative Action.

1 3. Every pleading filed in the Consolidated Derivative Action, or in any separate  
2 action included herein, must bear the following caption:

3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON

5 IN RE JUNO THERAPEUTICS, INC. ) Lead Case No. 2:17-cv-1356-RSM  
6 DERIVATIVE LITIGATION )  
7 ) (Derivative Action)  
8 This Document Relates To: )  
9 ALL ACTIONS. )

10 4. The files of the Consolidated Derivative Action will be maintained in one file under  
11 Lead Case No. 2:17-cv-1356-RSM.

12 5. All documents previously served or filed in any of the Actions consolidated herein  
13 are deemed part of the record in the Consolidated Derivative Action.

14 6. The parties agree that when a case which properly belongs as part of *In re Juno*  
15 *Therapeutics, Inc. Derivative Litigation*, Lead Case No. 2:17-cv-1356-RSM, is hereafter filed in  
16 this Court or transferred here from another court, Co-Lead Counsel will call to the attention of the  
17 Clerk of the Court the filing or transfer of any case that might properly be consolidated as part of  
18 *In re Juno Therapeutics, Inc. Derivative Litigation*, Lead Case No. 2:17-cv-1356-RSM, and Co-  
19 Lead Counsel are to assist in assuring that counsel in subsequent actions receive notice of this  
20 Order.

21 7. This Order shall apply to each case arising out of the same or substantially the same  
22 transactions or events as the Consolidated Derivative Action that is subsequently filed in, removed  
23 to, or transferred to this Court.

1 **II. BRIEFING SCHEDULE FOR MOTION TO TRANSFER**

2 1. In order to avoid the necessity of filing duplicate motions in both the *Mays* Action  
3 and the *Szollosi* Action, the briefing schedule for Defendants' anticipated motion in the *Mays*  
4 Action is vacated.

5 2. Defendants shall file their motion to transfer no more than fourteen days after the  
6 Court rules on this stipulated motion, Plaintiffs shall file their opposition to the motion to transfer  
7 no more than 45 days later, and Defendants shall file their reply no more than 30 days after  
8 Plaintiffs file their opposition.  
9

10 3. Defendants' deadline to file a motion to dismiss or other responsive pleading will  
11 be postponed until such time as the Court has ruled on the motion to transfer, and Defendants shall  
12 not be required to, and shall not waive any rights, arguments, or defenses by waiting to, answer,  
13 move, or otherwise respond to the Complaint.  
14

15 4. After the Court rules on the motion to transfer, Plaintiffs and Defendants shall  
16 promptly meet and confer regarding a schedule for Defendants' anticipated motion(s) to dismiss  
17 the Complaint in either this Court or the transferee court in the District of Delaware.

18 **III. APPOINTMENT OF CO-LEAD COUNSEL AND LIAISON COUNSEL**

19 1. The law firms of Harwood Feffer and Weiser Law Firm are hereby appointed as  
20 Plaintiffs' Co-Lead Counsel in the Consolidated Derivative Action.

21 2. The law firm of Zwerling Schachter is hereby appointed as Liaison Counsel in the  
22 Consolidated Derivative Action.

23 3. Plaintiffs' Co-Lead Counsel are authorized to speak for Plaintiffs in matters  
24 regarding pre-trial procedure, trial and settlement negotiations and shall make all work  
25

1 assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation  
2 and to avoid duplicative or unproductive effort.

3 4. Plaintiffs' Co-Lead Counsel will be responsible for coordinating all activities and  
4 appearances on behalf of Plaintiffs and for the dissemination of notices and orders of this Court.  
5 No motion, request for discovery, or other pre-trial or trial proceedings will be initiated or filed by  
6 any Plaintiffs except through Plaintiffs' Co-Lead Counsel.

7  
8 5. Defendants' counsel may rely upon all agreements made with Plaintiffs' Co-Lead  
9 Counsel, or any other duly authorized representative of Plaintiffs' Co-Lead Counsel, and such  
10 agreements will be binding on Plaintiffs.

11  
12  
13 Dated: November 10, 2017

ZWERLING, SCHACHTER & ZWERLING, LLP

s/ Dan Drachler

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10 *Counsel for Plaintiff David E. Mays*

11 THE WEISER LAW FIRM, P.C.  
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13 Brett D. Stecker (*pro hac vice*)  
14 James M. Ficaró (*pro hac vice*)  
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21 [jmf@weiserlawfirm.com](mailto:jmf@weiserlawfirm.com)

22 *Counsel for Plaintiff Paul Szollosi*

23 Dated: November 10, 2017

24 WILSON SONSINI GOODRICH & ROSATI, PC  
25 s/ Gregory L. Watts  
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Email: [gwatts@wsgr.com](mailto:gwatts@wsgr.com)

*Attorney for Defendants*



1 **IT IS SO ORDERED.**

2

3 Dated: December 5, 2017.

4



5 RICARDO S. MARTINEZ  
6 CHIEF UNITED STATES DISTRICT JUDGE

7

8 PRESENTED BY:

9

10 Dan Drachler (WSBA #27728)

11

12 ZWERLING, SCHACHTER  
13 & ZWERLING, LLP

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25 *Attorney for Plaintiff*

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