

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
1904 Third Avenue, Suite 1030
Seattle, WA 98101-1170
Tel: (206) 223-2053
Fax: (206) 343-9636

1 PAUL SZOLLOSI, Derivatively on Behalf
2 of Nominal Defendant JUNO
THERAPEUTICS, INC.,

3 Plaintiff,

4 v.

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

10 Defendants,

11 and

12 JUNO THERAPEUTICS, INC.,

13 Nominal Defendant.
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Case No. 2:17-cv-01665-RSM

27 STIPULATED MOTION TO CONSOLIDATE,
AND APPOINT CO-LEAD AND
28 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
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13 Dated: November 10, 2017

ZWERLING, SCHACHTER & ZWERLING, LLP

s/ Dan Drachler

Dan Drachler (WSBA #27728)

1904 Third Avenue

Suite 1030

Seattle, Washington 98101

Telephone: (206) 223-2053

Facsimile: (206) 343-9636

ddrachler@zsz.com

Counsel for Plaintiffs

HARWOOD FEEFFER LLP

Robert I. Harwood (*pro hac vice*)

Benjamin I. Sachs-Michaels (*pro hac vice*)

488 Madison Avenue, 8th Floor

New York, New York 10001

Telephone: (212) 935-7400

Facsimile: (212) 753-3630

rhawood@hfesq.com

mhouston@hfesq.com

bsachsmichaels@hfesq.com

1 GLANCY PRONGAY & MURRAY, LLP
2 Robert V. Prongay
3 Lesley F. Portnoy
4 1925 Century Park East, Suite 2100
5 Los Angeles, California 90067
6 Telephone: (310) 201-9150
7 Facsimile: (310) 201-9160
8 rprongay@glancylaw.com
9 lportnoy@glancylaw.com

10 *Counsel for Plaintiff David E. Mays*

11 THE WEISER LAW FIRM, P.C.
12 Robert B. Weiser
13 Brett D. Stecker (*pro hac vice*)
14 James M. Ficaró (*pro hac vice*)
15 22 Cassatt Avenue
16 Berwyn, PA 19312
17 Telephone: (610) 225-2677
18 Facsimile: (610) 408-8062
19 rw@weiserlawfirm.com
20 bds@weiserlawfirm.com
21 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
26 Gregory L. Watts, WSBA #43995
27 701 Fifth Avenue, Suite 5100
28 Seattle, Washington 98104
Telephone: (206) 883-2500
Facsimile: (206) 883-2699
Email: 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

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8 PRESENTED BY:

9

10 Dan Drachler (WSBA #27728)

11

12 ZWERLING, SCHACHTER

13 & ZWERLING, LLP

14

15 1904 Third Avenue, Suite 1030

16

17 Seattle, Washington 98101

18

19 Telephone: (206) 223-2053

20

21 Facsimile: (206) 343-9636

22

23 ddrachler@zsz.com

24

25 *Attorney for Plaintiff*

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