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9
10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11
12 BIOSCIENCE ADVISORS, INC.,

13 Plaintiff,
14 v.

15 UNITED STATES SECURITIES AND
EXCHANGE COMMISSION, *et al.*,

16 Defendants.
17

Civil Action No. 4:21-CV-0866-HSG

**STIPULATION AND ORDER
REQUESTING EXTENSION OF
TIME TO FILE JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT AND CONTINUANCE
OF CASE MANAGEMENT
CONFERENCE**

18 Plaintiff and Defendants (“Parties”), by and through undersigned counsel, hereby submit the
19 following Stipulation requesting that the Court enter an order extending the deadline for the Parties
20 to file their Joint Case Management Conference Statement until March 8, 2022, and continuing the
21 Case Management Conference until March 15, 2022, or another date thereafter.

22 Pursuant to the Court’s February 8, 2022 Order, ECF No. 33, the Parties have been ordered
23 to file a joint case management conference statement by February 22, 2022, and to appear at a case
24 management conference on March 1, 2022 to discuss setting an expedited summary judgment
25 briefing schedule. The Court’s February 8, 2022 Order also provided Plaintiff with leave to amend
26 its complaint to address pleading deficiencies in its fourth cause of action, and ordered that such
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1 amendment must be filed by March 1, 2022. Plaintiff has indicated that it intends to file an amended
2 complaint on or before March 1, 2022.

3 The Parties believe that Plaintiff's amended complaint may affect a number of issues that the
4 Parties would address in the joint case management statement and at the case management
5 conference. For example, depending on the content of the amended complaint, Defendants may
6 file a renewed motion to dismiss, or Defendants may decide to move for summary judgment after
7 producing the administrative record. Additionally, Plaintiff has indicated that it intends to pursue
8 discovery on all of its claims, including amended claim 4. Defendants do not believe that discovery is
9 appropriate in this case, but cannot fully address that issue without seeing Plaintiff's amended
10 complaint. Accordingly, the Parties believe that a brief extension and continuance may result in a
11 more comprehensive case management statement and a more productive case management
12 conference.

13 Given that the Plaintiff's amended complaint is likely to inform the contents of the joint case
14 management statement, the Parties respectfully propose that the Court extend the deadline for the
15 joint statement until March 8, 2022. Because the case management statement ordinarily "must be
16 filed and served at least 7 days before the conference," *see* L. Civ. R. 16-10(a), the Parties respectfully
17 request that the Court also continue the case management conference until at least March 15, 2022.
18 The Parties recognize that that Local Civil Rule 6-1(b) provides that "[a]ny stipulated request . . .
19 which affects a hearing or proceeding on this Court's calendar must be filed no later than 14 days
20 before the scheduled event," and that this request is filed less than 14 days before the scheduled
21 conference. L. Civ. R. 6-1(b). The Parties respectfully request relief from this requirement in light
22 of the short time between this Court's February 8, 2022 deadline, and the scheduled date of the case
23 management conference. Upon receiving this Court's order, Plaintiff needed to determine whether
24 to file an amended complaint, and the Parties needed time to confer regarding that issue. The first
25 date that the Parties were able to confer was Thursday, February 17, 2022, at which time the Parties
26 determined that it would be beneficial to seek the extension sought by this motion.

1 For these reasons, the parties hereby stipulate that, subject to this Court's approval, the
2 Parties shall file a joint case management statement by March 8, 2022, and the Parties shall appear at
3 a case management conference on or after March 15, 2022.
4

5 IT IS SO STIPULATED THIS 18TH DAY OF FEBRUARY 2022:

6 KUNZLER BEAN & ADAMSON, PC

7 /s/ Chad S. Pehrson

8 Chad S. Pehrson

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ORDER

Pursuant to Stipulation, it is ORDERED that:

1. The Parties' time to file the joint case management conference statement is extended to March 8, 2022; and
2. The Case Management Conference currently set for March 1, 2022 at 2:00 p.m. is continued until March 15, 2022 at 2:00 p.m.

Dated: 2/22/2022



HAYWOOD S. GILLIAM, JR.

United States District Judge

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