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COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
DENNIS J. HERMAN (220163)
MONIQUE C. WINKLER (213031)
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)
dennish@csgrr.com

Liaison Counsel

BERGER & MONTAGUE, P.C.
SHERRIE R. SAVETT
BARBARA A. PODELL
PHYLLIS M. PARKER
1622 Locust Street
Philadelphia, PA 19103
Telephone: 215/875-3000
215/875-4604 (fax)
ssavett@bm.net
bpodell@bm.net
pparker@bm.net

Co-Lead Counsel for Plaintiffs

SCHATZ NOBEL IZARD, P.C.
ANDREW M. SCHATZ
JEFFREY S. NOBEL
NANCY A. KULESA
One Corporate Center
20 Church Street, Suite 1700
Hartford, CT 06103
Telephone: 860/493-6292
860/493-6290 (fax)
aschatz@snilaw.com
jnobel@snilaw.com
nkulesa@snilaw.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re NUVELO, INC. SECURITIES
LITIGATION

) Master File No. 3:07-cv-04056-MJJ

) CLASS ACTION

This Document Relates To:

ALL ACTIONS.

) STIPULATION AND [PROPOSED] ORDER
) REGARDING SCHEDULING FOR FILING
) CONSOLIDATED AMENDED CLASS
) ACTION COMPLAINT AND RELATED
) BRIEFING

1 WHEREAS, pursuant to the Order entered on September 21, 2007, this Court consolidated
2 the related actions, and appointed Frank C. Petronis, Patricia A. Petronis, Todd A. Stephens, and
3 Amy Stephens (the "Petronis Group ") and Juan Pablo Cabrera ("Cabrera ") as Lead Plaintiffs in the
4 now above-captioned Consolidated Action (the "Action "), and appointed Berger & Montague, P.C.
5 and Schatz Nobel Izard, P.C. as Co-Lead Counsel and Coughlin Stoia Geller Rudman & Robbins
6 LLP as Liaison Counsel for plaintiffs;

7
8 WHEREAS, Lead Plaintiffs will file a Consolidated Amended Class Action Complaint
9 ("Complaint ") in this Action;

10 WHEREAS, defendants anticipate filing a motion to dismiss the Complaint;

11 WHEREAS, this is an action brought pursuant to the Private Securities Litigation Reform
12 Act of 1995, which provides for an automatic stay of discovery in federal securities actions where, as
13 here, a defendant files a motion to dismiss a complaint (15 U.S.C. §78u-4(b)(3)(B));

14
15 WHEREAS, per the Court's August 8, 2007 Order Setting the Initial Case Management
16 Conference and ADR Deadlines, the parties' deadline to complete initial disclosures and a Rule 26(f)
17 report is November 6, 2007, and the Initial Case Management Conference is set for November 13,
18 2007; and

19 WHEREAS, the parties have met and conferred and believe that it would be premature to
20 conduct the Initial Case Management Conference prior to this Court's decision on defendants'
21 anticipated motion to dismiss.

22
23 NOW THEREFORE, the undersigned parties hereby stipulate, subject to approval of the
24 Court, to the following deadlines:

- 25 1. Lead Plaintiffs shall file a Complaint on or before November 9, 2007.
26 2. Defendants shall answer or otherwise respond to the Complaint on or before
27 December 21, 2007.

28 STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULING FOR
FILING CONSOLIDATED AMENDED CLASS ACTION COMPLAINT AND
RELATED BRIEFING - 3:07-cv-04056-MJJ

1 DATED: October 1, 2007

COOLEY GODWARD KRONISH LLP
SCOTT D. DEVEREAUX (146050)
GRANT P. FONDO (181530)
JEFFREY KABAN (235743)

4
5 /s/ Jeffrey Kaban
JEFFREY KABAN

6 5 Palo Alto Sq.
7 3000 El Camino Real
8 Palo Alto, CA 94306
9 Telephone: 650/843-5000
650/857-0663 (fax)

10 Counsel for Defendants Nuvelo, Inc., Ted W.
Love, Gary S. Titus, and Shelly D. Guyer

11 I, Dennis J. Herman, am the ECF User whose ID and password are being used to file this
12 STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULING FOR FILING
13 CONSOLIDATED AMENDED CLASS ACTION COMPLAINT AND RELATED BRIEFING. In
14 compliance with General Order No. 45, X.B., I hereby attest that Jeffrey Kaban has concurred in this
filing.

15 /s/ Dennis J. Herman
DENNIS J. HERMAN

16 * * *

17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 DATED: _____

20 THE HONORABLE MARTIN J. JENKINS
21 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 2, 2007.

s/ Dennis J. Herman
DENNIS J. HERMAN

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
100 Pine Street, 26th Floor
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

E-mail:Dennish@csgrr.com

Mailing Information for a Case 3:07-cv-04056-MJJ

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Scott Devereaux**
devereauxsd@cooley.com
- **Grant P. Fondo**
gfondo@cooley.com,mcintoshjc@cooley.com
- **Dennis J. Herman**
dennish@csgrr.com,e_file_sf@csgrr.com
- **Christopher J. Keller**
ckeller@labaton.com,cchan@labaton.com
- **Nicole Catherine Lavallee**
nlavallee@bermanesq.com,ysoboleva@bermanesq.com
- **Phyllis Maza Parker**
pparker@bm.net
- **Alan Roth Plutzik**
aplutzik@bramsonplutzik.com
- **Barbara A Podell**
bpodell@bm.net
- **David Avi Rosenfeld , Esq**
drosenfeld@geller-rudman.com
- **Sherrie R. Savett**
ssavett@bm.net

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Mario Alba

Lerach Coughlin Stoia Geller Rudman & Robbins LLP
58 South Service Road
Suite 200
Melville, NY 11747

Samuel Howard Rudman

Lerach Coughlin Stoia Geller Rudman & Robbins LLP

58 South Service Road
Suite 200
New York, NY 11747

Marisa Megur Seifan

Cooley Godward Kronish LLP
1114 Avenue of Americas
New York, NY 10036

Evan J. Smith

Brodsky & Smith L.L.C.
240 Mineola Blvd.
Mineola, NY 11501

Nicolette Tropiano

Schiffirin Barroway Topaz & Kessler LLP
280 King of Prussia Road
Radnor, PA 19087