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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 In re NUVELO, INC. SECURITIES)
LITIGATION)

Master File No. 3:07-cv-04056-MMJ

19 _____)
CLASS ACTION

20 This Document Relates To:)

21 ALL ACTIONS.)
22 _____)

STIPULATION AND [PROPOSED] ORDER
PURSUANT TO FED. R. CIV. P. 41(a)(1)(ii)
TO DISMISS DEFENDANT SHELLY D.
GUYER WITHOUT PREJUDICE

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1 WHEREAS, Shelly D. Guyer (“Guyer) was named as a defendant in complaints filed in this
2 action; and

3 WHEREAS, Co-Lead Counsel for plaintiffs do not intend to name Guyer as a defendant in
4 this consolidated action; and

5 NOW, THEREFORE, the undersigned parties hereby stipulate pursuant to Fed. R. Civ. P.
6 41(a)(1)(ii) to dismiss Guyer as a defendant from this consolidated action without prejudice. Each
7 party shall bear its own costs and fees.

8 IT IS SO STIPULATED.

9 DATED: November 9, 2007

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
DENNIS J. HERMAN
MONIQUE C. WINKLER

12
13 /s/ Dennis J. Herman
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28 Co-Lead Counsel for Plaintiffs

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DATED: November 9, 2007

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/s/ Jeffrey Kaban
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Counsel for Defendants Nuvelo, Inc., Ted W.
Love, Gary S. Titus, and Shelly D. Guyer

I, Dennis J. Herman, am the ECF User whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER PURSUANT TO FED. R. CIV. P. 41(a)(1)(ii) TO
DISMISS DEFENDANT SHELLY D. GUYER WITHOUT PREJUDICE. In compliance with
General Order No. 45, X.B., I hereby attest that Jeffrey Kaban has concurred in this filing.

/s/ Dennis J. Herman
DENNIS J. HERMAN

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

THE HONORABLE MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 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 November 9, 2007.

s/ Dennis J. Herman
DENNIS J. HERMAN

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Manual Notice List

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