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8 Attorneys for Defendants
BioMarin Pharmaceutical Inc., Jean-Jacques Bienaimé,
9 Brian R. Mueller, Daniel Spiegelman, and Henry J.
Fuchs
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 DAVID F. BERLINGER, Individually and on
15 Behalf of All Others Similarly Situated,

16 Plaintiff,

17 v.

18 BIOMARIN PHARMACEUTICAL INC.,
JEAN-JACQUES BIENAIMÉ, BRIAN R.
19 MUELLER, DANIEL SPIEGELMAN, and
HENRY J. FUCHS,

20 Defendants.
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Case No. 3:21-cv-08254-MMC

**STIPULATION AND ~~{PROPOSED}~~
SCHEDULING ORDER**

JURY TRIAL DEMANDED

Judge: Hon. Maxine M. Chesney
Courtroom: 7

1 Plaintiffs Local 282 Pension Trust Fund and Local 282 Annuity Trust Fund (the “Local 282
2 Trust Funds” or “Lead Plaintiffs”), by and through their undersigned counsel, and Defendants
3 BioMarin Pharmaceutical, Inc., Jean-Jacques Bienaimé, Brian R. Mueller, Daniel Spiegelman, and
4 Henry J. Fuchs (collectively, “Defendants”), by and through their undersigned counsel, hereby
5 stipulate and agree as follows:

6 WHEREAS, on October 22, 2021, putative BioMarin shareholder David F. Berlinger,
7 individually and on behalf of all others similarly situated, filed a putative class action complaint
8 (the “Complaint”) in the action captioned *Berlinger v. BioMarin Pharmaceutical Inc., et al.*, 5:21-
9 cv-08254-LHK (N.D. Cal.) against Defendants alleging violations of Sections 10(b) and 20(a) of
10 the Securities Exchange Act of 1934 (the “Exchange Act”), U.S.C. §§ 78j(b) and 78t(a), and Rule
11 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5 (ECF No. 1);

12 WHEREAS, on December 8, 2021, the parties filed a Stipulation and Proposed Order to
13 Vacate Initial Case Management Conference and Reset All Related Deadlines and Extend
14 Defendants’ Time to Answer or Otherwise Respond to the Complaint (ECF No. 11);

15 WHEREAS, on December 22, 2021, Lead Plaintiffs and other putative BioMarin
16 shareholders filed several competing motions for appointment as lead plaintiff and approval of lead
17 counsel;

18 WHEREAS, on January 7, 2022, Chief District Judge Richard Seeborg reassigned this case
19 to Judge Maxine M. Chesney, following the confirmation by the United States Senate of Judge
20 Lucy H. Koh’s nomination to the Ninth Circuit Court of Appeals (ECF No. 38);

21 WHEREAS, on January 10, 2022, the Court entered an order granting the December 8,
22 2021 Stipulation and Proposed Order (ECF No. 39), providing that Defendants shall not be required
23 to answer, move to dismiss, or otherwise respond to the operative complaint and that within twenty
24 days following the appointment of a lead plaintiff and lead counsel, Defendants shall meet and
25 confer with the court-appointed lead plaintiff to set a schedule for the filing of an amended
26 complaint and Defendants’ response thereto;

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1 WHEREAS, on January 10, 2022, the Court entered an order appointing as lead plaintiff
 2 the Local 282 Trust Funds and approving the Local 282 Trust Funds' selection of Robbins Geller
 3 Rudman & Dowd LLP as lead counsel (ECF No. 41);

4 WHEREAS, pursuant to the January 10, 2022 Order, Lead Plaintiff and Defendants
 5 (together, the "Parties") have met and conferred and, subject to this Court's approval, have agreed
 6 to a proposed schedule as set forth below;

7 NOW THEREFORE, the Parties hereby stipulate and agree as follows, through their
 8 undersigned counsel:

9 1. Lead Plaintiffs shall file and serve an amended complaint (the "Amended
 10 Complaint") on or before March 25, 2022.

11 2. Defendants shall answer, move to dismiss, or otherwise respond to the Amended
 12 Complaint on or before May 25, 2022.

13 3. If Defendants move to dismiss the Amended Complaint, Lead Plaintiffs shall file
 14 and serve any opposition to such motion on or before July 25, 2022.

15 4. Defendants shall file and serve their reply to any such opposition on or before
 16 September 1, 2022.

17 **IT IS SO STIPULATED.**

18 Respectfully submitted,

19 Dated: January 31, 2022

20 COOLEY LLP

21 By: /s/ Jessica Valenzuela Santamaria
 22 Jessica Valenzuela Santamaria

23 Attorneys for Defendants
 24 BioMarin Pharmaceutical Inc., Jean-
 25 Jacques Bienaimé, Brian R. Mueller,
 26 Daniel Spiegelman, and Henry J. Fuchs
 27
 28

1 Dated: January 31, 2022

ROBBINS GELLER RUDMAN
& DOWD LLP
DAVID MITCHELL
BRIAN O'MARA
STEVE JODLOWSKI

5 By: /s/ David Mitchell
6 David Mitchell

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19 *Attorneys for Plaintiff*

20 **ATTESTATION PURSUANT TO CIV. L.R. 5-1(i)(3)**

21 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document
22 has been obtained from the other signatory.

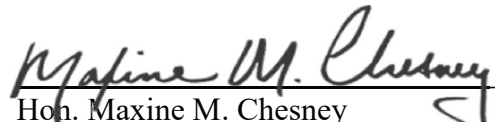
23 Dated: January 31, 2022

24 /s/ Jessica Valenzuela Santamaria
25 Jessica Valenzuela Santamaria

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 31, 2022


Hon. Maxine M. Chesney
United States District Court Judge