

1 KEKER, VAN NEST & PETERS LLP
 2 ELLIOT R. PETERS - #158708
 3 epeters@keker.com
 4 LAURIE CARR MIMS - #241584
 5 lmims@keker.com
 6 STEVEN P. RAGLAND - #221076
 7 sragland@keker.com
 8 CODY S. HARRIS - #255302
 9 charris@keker.com
 10 ELIZABETH K. McCLOSKEY - #268184
 11 emccloskey@keker.com
 12 SEAN M. ARENSON - #310633
 13 sarensen@keker.com
 14 MAYA PERELMAN - #318554
 15 mperelman@keker.com
 16 633 Battery Street
 17 San Francisco, CA 94111-1809
 18 Telephone: 415 391 5400
 19 Facsimile: 415 397 7188

20 Attorneys for Plaintiff
 21 GENENTECH, INC.

22 (Additional counsel listed on signature page)

23 UNITED STATES DISTRICT COURT
 24 NORTHERN DISTRICT OF CALIFORNIA
 25 SAN FRANCISCO DIVISION

26 GENENTECH, INC.,
 27 Plaintiff,
 28 v.

JHL BIOTECH, INC., XANTHE LAM, an
 individual, ALLEN LAM, an individual,
 JAMES QUACH, an individual, RACHO
 JORDANOV, an individual, ROSE LIN, an
 individual, JOHN CHAN, an individual, and
 DOES 1-50,
 Defendants.

Case No. 3:18-cv-06582-WHA

**STIPULATION AND ~~PROPOSED~~
 ORDER ENLARGING TIME FOR CASE
 DEADLINES**

Dept.: Courtroom 12 - 19th Floor
 Judge: Hon. William Alsup
 Date Filed: October 29, 2018
 Trial Date: August 2, 2021

STIPULATION

Pursuant to Civil Local Rule 6-2, and supported by the accompanying Declaration of Maya Perelman, Plaintiff Genentech, Inc. (“Genentech”) and Defendants Xanthe Lam, Allen Lam, James Quach, Racho Jordanov, Rose Lin, and John Chan (collectively, “Defendants”), by and through their respective counsel of record, hereby stipulate and request that this Court grant an enlargement of time for the case deadlines set forth in its February 18, 2020 Order Amending Case Management Order (ECF No. 237) as follows:

WHEREAS, the United States Government indicted Xanthe Lam, Allen Lam, John Chan, and James Quach in Case No. 18-cr-00527-WHA on allegations of conduct similar to the allegations at issue in this case;

WHEREAS, the Court previously scheduled a criminal trial for these individual defendants for September 14, 2020, *see* Case No. 18-cr-00527-WHA, ECF No. 110;

WHEREAS, the Court stayed this case against individual defendants Xanthe Lam, Allen Lam, James Quach, Racho Jordanov, Rose Lin, and John Chan due to the pending criminal case and potential Fifth Amendment issues, *see* ECF No. 128, at 44;

WHEREAS, on February 18, 2020, the Court granted the Parties’ stipulated schedule for this case in which the close of non-expert discovery was set for February 22, 2021 and trial was set for August 2, 2021, *see* ECF No. 237;

WHEREAS, these dates were scheduled a significant period after the September 14, 2020 date for the criminal trial to allow sufficient time, after the stay in this case is lifted, for Genentech and the individual defendants to conduct fact and expert discovery, bring dispositive motions, and prepare for trial;¹

WHEREAS, on June 5, 2020, the Court continued the date of the criminal trial against Xanthe Lam, Allen Lam, and John Chan from September 14, 2020 to March 8, 2021, *see* Case

¹ Genentech and defendant JHL Biotech, Inc. have entered a written settlement agreement that will resolve the claims between them in this action, *see* ECF No. 231, but that settlement agreement does not resolve the claims against the individual defendants.

1 No. 18-cr-00527-WHA, ECF No. 139;²

2 WHEREAS, in light of the new March 8, 2021 date for the criminal trial, the current
3 schedule for this case would not allow Genentech and the individual defendants to conduct
4 mutual fact discovery or expert discovery and would significantly curtail the ability for the parties
5 to bring dispositive motions and prepare for trial;

6 WHEREAS, to allow for sufficient time for discovery,³ dispositive motions, and trial
7 preparation, the parties have agreed on a proposed schedule that provides an adequate and
8 reasonable time for discovery while still ensuring a timely resolution of the case.

9 NOW THEREFORE, pursuant to Civil Local Rule 6-2, the parties stipulate and agree that:

- 10 1. The non-expert discovery cut-off shall be extended from February 22, 2021 to **September 3,**
11 **2021;**
- 12 2. The deadline for the parties to designate expert testimony and disclose expert reports shall be
13 extended from February 22, 2021 to **September 3, 2021;**
- 14 3. The deadline to disclose opposition expert reports shall be extended from March 15, 2021 to
15 **September 24, 2021;**
- 16 4. The deadline to disclose reply expert reports shall be extended from March 29, 2021 to
17 **October 8, 2021;**
- 18 5. The cutoff for all expert discovery shall be extended from April 12, 2021 to **October 22, 2021;**
- 19 6. The last day to file dispositive motions shall be extended from April 22, 2021 to **October 29,**
20 **2021;**
- 21 7. The date of the Final Pretrial Conference shall be extended from July 21, 2021 to **January 19,**
22 **2022, at 2:00 p.m.,** subject to the Court's availability;
- 23 8. The date of the Jury Trial shall be extended from August 2, 2021 to **January 31, 2022 at 7:30**
24 **a.m.,** subject to the Court's availability.

25 _____
26 ² James Quach pled guilty to one count of Computer Fraud and Abuse on January 21, 2020 and
27 was sentenced on April 30, 2020. Case No. 18-cr-00527-WHA, ECF No. 133. Accordingly, he
28 has been dismissed from the ongoing criminal case.

³ This proposed schedule sets the close of fact discovery approximately five months after the
close of the criminal trial to address concerns by individual defendants that an earlier deadline
would not allow them sufficient time to complete discovery.

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Dated: July 22, 2020

KEKER, VAN NEST & PETERS LLP

By: /s/ Laurie Carr Mims

ELLIOT R. PETERS
LAURIE CARR MIMS
STEVEN P. RAGLAND
CODY S. HARRIS
ELIZABETH K. McCLOSKEY
SEAN M. ARENSON
MAYA PERELMAN

Attorneys for Plaintiff GENENTECH,
INC.

Dated: July 22, 2020

LAW OFFICES OF FRANK SCOTT
MOORE

By: /s/ Frank Scott Moore

FRANK SCOTT MOORE
Attorney for Defendants XANTHE LAM
and ALLEN LAM

Dated: July 22, 2020

SWANSON & MCNAMARA LLP

By: /s/ Edward W. Swanson

EDWARD W. SWANSON
BRITT H. EVANGELIST
Attorneys for Defendant RACHO
JORDANOV

Dated: July 22, 2020

RAMSEY & EHRLICH LLP

By: /s/ Amy E. Craig

MILES F. EHRLICH
AMY E. CRAIG
ISMAIL JOMO RAMSEY
KATHARINE ANN KATES
Attorneys for Defendant ROSE LIN

Dated: July 22, 2020

BOERSCH & ILLOVSKY LLP

By: /s/ Martha A. Boersch

MARTHA A. BOERSCH
Attorney for Defendant JAMES QUACH

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Dated: July 22, 2020

JRA LAW PARTNERS, LLP

By: /s/ Rod Divelbiss
ROD DIVELBISS

Attorney for Defendant JOHN CHAN

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Dated: July 22, 2020

/s/ Laurie Carr Mims
LAURIE CARR MIMS

~~PROPOSED~~ ORDER GRANTING STIPULATION

Pursuant to the Stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. The non-expert discovery cut-off shall be extended to **September 3, 2021**;
2. The deadline for the parties to designate expert testimony and disclose expert reports shall be extended to **September 3, 2021**;
3. The deadline to disclose opposition expert reports shall be extended to **September 24, 2021**;
4. The deadline to disclose reply expert reports shall be extended to **October 8, 2021**;
5. The cutoff for all expert discovery shall be extended to **October 22, 2021**;
6. The last day to file dispositive motions shall be extended to **October 29, 2021**;
7. The date of the Final Pretrial Conference shall be extended to **January 19, 2022, at 2:00 p.m.**;
8. The date of the Jury Trial shall be extended to **January 31, 2022, at 7:30 a.m.**

IT IS SO ORDERED.

Dated: July 25, 2020



Honorable William Alsup
Judge of the United States District Court