

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

MATZ JOHANSSON, Individually And On
Behalf Of All Others Similarly Situated,

Plaintiff,

v.

LOUIS FERRARI, GINGER CONSTANTINE,
M.D., STEPHEN O. JAEGER, DAVID P.
MEEKER, M.D., DAVID Y. NORTON,
ROBERT G. SAVAGE, VIRGIL THOMPSON,
RICHARD CROWLEY, JOHN P. HAMILL,
and PHILIP K. YACHMETZ,

Defendants.

Case No.: 1:14-cv-00042 (GMS)

**[PROPOSED] ORDER APPOINTING MATZ JOHANSSON AS LEAD PLAINTIFF,
AND APPROVING HIS SELECTION OF LEAD COUNSEL**

Having considered the papers filed in support of the Motion of Matz Johansson (“Plaintiff”) for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), § 78u-4(a)(3)(B), and for good cause shown, the Court hereby enters the following Order:

I. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

1. Plaintiff has moved this Court to be appointed as Lead Plaintiff in the Action and to approve the counsel it retained to be Lead Counsel.

2. Having considered the provisions of 15 U.S.C. § 78u-4(a)(3)(B), the Court hereby determines that Plaintiff is the most adequate plaintiff and satisfies the requirements of the PSLRA. The Court hereby appoints the Plaintiff as Lead Plaintiff to represent the interests of the class in the Action.

3. Pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v), Plaintiff has selected and retained the law firm of Rigrodsky & Long, P.A. to serve as Lead Counsel. The Court approves Plaintiff's selection of Lead Counsel for the Action.

4. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- a. to coordinate the briefing and argument of any and all motions;
- b. to coordinate the conduct of any and all discovery proceedings;
- c. to coordinate the examination of any and all witnesses in depositions;
- d. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
- e. to call meetings of plaintiffs' counsel as they deem necessary and appropriate from time to time;
- f. to coordinate all settlement negotiations with counsel for defendants;
- g. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter, and to delegate work responsibilities to selected counsel as may be required;
- h. to coordinate the preparation and filing of all pleadings; and
- i. to supervise all other matters concerning the prosecution or resolution of the Action.

5. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of the Lead Counsel.

6. Service upon any plaintiff of all pleadings in the Action, except those specifically addressed to a plaintiff other than Lead Plaintiff, shall be completed upon service of Lead Counsel.

7. Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel, as well as the spokespersons for all plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel. Lead Counsel shall be the contact between the Court and plaintiffs and their counsel.

II. NEWLY-FILED OR TRANSFERRED ACTIONS

8. When a case that arises out of the subject matter of this action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry on the docket for this action.

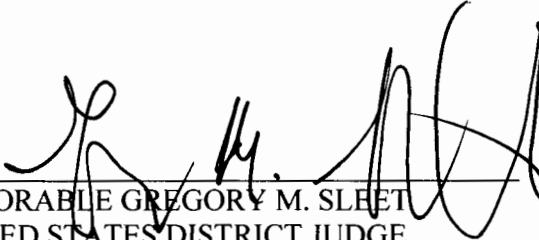
9. Each new case that arises out of the subject matter of the action that is filed in this Court or transferred to this Court shall be consolidated with the action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, file an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

10. During the pendency of this litigation, or until further order of this Court, the parties shall take reasonable steps to preserve all documents within their possession, custody or control, including computer-generated and stored information and materials such as

computerized data and electronic mail, containing information that is relevant to or which may lead to the discovery of information relevant to the subject matter of the pending litigation.

IT IS SO ORDERED.

DATED: May 29, 2014


HONORABLE GREGORY M. SLEET
UNITED STATES DISTRICT JUDGE