

1 JORDAN ETH (BAR NO. 121617)  
 JEth@mofo.com  
 2 JUDSON E. LOBDELL (BAR NO. 146041)  
 JLobdell@mofo.com  
 3 MORRISON & FOERSTER LLP  
 425 Market Street  
 4 San Francisco, California 94105-2482  
 Telephone: 415.268.7000  
 5 Facsimile: 415.268.7522

6 Attorneys for Defendants  
 MARRONE BIO INNOVATIONS, INC., PAMELA G.  
 7 MARRONE, DONALD J. GLIDEWELL, and JAMES B. BOYD,

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11  
 12 JOANN N. MARTINELLI, Individually and On  
 Behalf of All Others Similarly Situated,

13 Plaintiff,

14 v.

15 MARRONE BIO INNOVATIONS, INC.,  
 16 PAMELA G. MARRONE, DONALD J.  
 GLIDEWELL, and JAMES B. BOYD

17 Defendants.  
 18

Case No. 2:14-cv-02055-MCE-KJN

**STIPULATION AND ORDER  
 DEFERRING DEADLINES TO  
 RESPOND TO THE COMPLAINT**

Judge: Hon. Morrison C. England  
 Date Filed: Sept. 5, 2014  
 Trial Date: None Set

1 Pursuant to Civil Local Rule 144 and Federal Rule of Civil Procedure 6, the parties hereby  
2 stipulate, subject to the Court’s approval, as follows:

3 WHEREAS, this securities class action lawsuit was instituted in this district on  
4 September 5, 2014, on behalf of all persons who purchased or otherwise acquired the publicly  
5 traded securities of Marrone Bio Innovations, Inc. (“Marrone”) between March 6, 2014, and  
6 September 2, 2014;

7 WHEREAS, this securities class action lawsuit is governed by the Private Securities  
8 Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 *et seq.* (the “Reform Act”);

9 WHEREAS, a lead plaintiff has not yet been appointed pursuant to 15 U.S.C.  
10 § 78u-4(a)(3)(B) of the Reform Act;

11 WHEREAS, the Court issued an Order Requiring Joint Status Report on September 5,  
12 2014 (Dkt. No. 3) setting deadlines for the parties’ conference pursuant to Fed. R. Civ. P. 26(f);

13 WHEREAS, counsel for the parties have met and conferred and agreed that the due date  
14 for defendants’ responses to the complaint and the filing of a joint status report should be deferred  
15 until a lead plaintiff is appointed;

16 WHEREAS, the agreed-upon extension is not for the purpose of delay, promotes judicial  
17 efficiency, and will not cause prejudice to either party;

18 WHEREAS, no previous extension of this deadline has been sought;

19 NOW, THEREFORE, in the interest of judicial economy and good cause showing, the  
20 parties, by and through their undersigned counsel of record, hereby agree and stipulate, and the  
21 Court hereby orders, as follows:

22 1. Without prejudice to any parties’ right to seek interim relief, Defendants shall have no  
23 obligation to answer or otherwise respond to the complaint until after the Court appoints a lead  
24 plaintiff and lead counsel pursuant to the provisions of the Reform Act.

25 2. Defendants will meet and confer with the court-appointed lead counsel within twenty  
26 (20) days following the appointment of a lead plaintiff and lead counsel to (a) confirm whether  
27 the lead plaintiff will file a new complaint that supersedes all previously filed complaints or deem  
28 the existing complaint operative; (b) establish a common response date for all defendants,



1 **ORDER**

2 The Court ADOPTS the above stipulation (ECF No. 11) in its entirety, except that the  
3 parties are ORDERED to submit joint status reports informing the Court of the status of this case  
4 every sixty (60) days starting from the date this order is electronically filed until the appointment  
5 of a lead plaintiff and lead counsel and the establishment of a date to provide the Court with the  
6 Joint Status report required by the Court's September 5, 2014, Order (ECF No. 3). Failure to  
7 comply with this Order may result in the issuance of monetary sanctions on counsel for all parties  
8 and/or dismissal of this action, without further notice to the parties, for noncompliance with court  
9 orders and/or for failure to prosecute pursuant to this Court's inherent authority to control its  
10 docket and/or Federal Rule of Civil Procedure 41(b).

11 IT IS SO ORDERED.

12 Dated: October 29, 2014

13 

14  
15 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
16 UNITED STATES DISTRICT COURT  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28