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 10 *Cayman Fund, L.P. and additional named*  
 11 *Plaintiff David M. Fineman*

12 **UNITED STATES DISTRICT COURT**  
 13 **EASTERN DISTRICT OF CALIFORNIA**

14 SPECIAL SITUATIONS FUND III QP, L.P.,  
 15 SPECIAL SITUATIONS CAYMAN FUND, L.P.  
 16 and DAVID M. FINEMAN, Individually and On  
 17 Behalf of All Others Similarly Situated,

18 Plaintiffs,

19 v.

20 MARRONE BIO INNOVATIONS, INC.,  
 21 PAMELA G. MARRONE, JAMES B. BOYD,  
 22 DONALD J. GLIDEWELL, HECTOR ABSI,  
 23 ELIN MILLER, RANJEET BHATIA, PAMELA  
 24 CONTAG, TIM FOGARTY, LAWRENCE  
 25 HOUGH, JOSEPH HUDSON, LES LYMAN,  
 26 RICHARD ROMINGER, SHAUGN STANLEY,  
 27 SEAN SCHICKENDANZ, and ERNST &  
 28 YOUNG LLP,

Defendants.

Case No. 2:14-cv-02571-MCE-KJN  
 CONSOLIDATED CLASS ACTION  
 Hon. Morrison C. England, Jr.

**STIPULATION AND ORDER  
 STAYING DISCOVERY**



1 WHEREAS, the Court approved the settlement between Plaintiffs and the MBII  
2 Defendants in an Order and Final Judgment as to Settling Parties, dated September 27, 2016  
3 [Docket No. 104], dismissing all claims against the MBII Defendants, which judgment is now  
4 final;

5 WHEREAS, EY is the only Defendant remaining in the action;

6 WHEREAS, by Memorandum and Order dated March 31, 2017 [Docket No. 106], the  
7 Court denied EY's motion to dismiss;

8 WHEREAS, EY filed its Answer to the TAC on April 25, 2017;

9 WHEREAS, by virtue of a series of so ordered Stipulations and the automatic stay of  
10 discovery imposed by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), all  
11 discovery in this action, including the obligation to file a Rule 26(f) discovery plan and the  
12 Parties' responses to the discovery-related topics in the Order Requiring Joint Status Report, has  
13 been stayed since the inception of the action;

14 WHEREAS, the Parties intend to engage in a conference or series of conferences to  
15 discuss the factual underpinnings of this case and to explore the possibility of a resolution of the  
16 claims against EY in this action;

17 WHEREAS, the Parties wish to avoid the burden and expense of discovery while they  
18 engage in such a conference or conferences; and

19 WHEREAS, the statements made in this Stipulation are for the purposes of this  
20 Stipulation alone and are not otherwise admissible for any other purpose.

### 21 **STIPULATION**

22 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties, through  
23 their respective counsel of record, as follows:

24 1. To allow the Parties to explore a potential resolution of this action before  
25 undertaking the burden and expense of discovery, all discovery in this action, including but not  
26 limited to the filing of a Rule 26(f) discovery plan and/or responding to the discovery-related  
27 topics in the Order Requiring Joint Status Report, is stayed for the ninety (90) days following  
28 adoption of this Stipulation by the Court.

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2. Following this ninety (90) day stay, if the action has not been resolved the parties shall meet and confer concerning discovery within ten (10) days after the expiration of the ninety (90) day stay and within twenty (20) days after that submit a Rule 26(f) discovery plan to the Court and/or respond to the discovery-related topics in the Order Requiring Joint Status Report.

3. In the event the Court declines to approve this stipulation, the Parties shall have thirty (30) days from said denial to submit a Rule 26(f) discovery plan to the Court and/or respond to the discovery-related topics in the Order Requiring Joint Status Report.

Dated: May 4, 2017

**LOWENSTEIN SANDLER LLP**

By: /s/ Michael J. McGaughey (as authorized on 5/4/17)

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Dated: May 4, 2017

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**ORDER**

The Court hereby approves the parties' above stipulation as its order.

IT IS SO ORDERED.

Dated: May 10, 2017

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE