

1 MAYER BROWN LLP
 Elizabeth Mann (SBN 106524)
 2 *emann@mayerbrown.com*
 350 South Grand Avenue, 25th Floor
 3 Los Angeles, CA 90071
 Telephone: (213) 229-9500
 4 Facsimile: (213) 625-0248

5 MAYER BROWN LLP
 Stanley J. Parzen (admitted pro hac vice)
 6 *sparzen@mayerbrown.com*
 71 South Wacker Drive
 7 Chicago, IL 60606
 Telephone: (312) 782-0600
 8 Facsimile: (312) 701-7711

9 Attorneys for Defendant
 ERNST & YOUNG LLP
 10

11 **UNITED STATES DISTRICT COURT**

12 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

13
 14 SPECIAL SITUATIONS FUND III QP, L.P.,
 SPECIAL SITUATIONS CAYMAN FUND,
 15 L.P., and DAVID M. FINEMAN, Individually
 and On Behalf of All Others Similarly Situated.,

16 Plaintiffs,

17 v.

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

23 Defendants.

Case No. 2:14-cv-2571-MCE-KJN

CONSOLIDATED CLASS ACTION

**STIPULATION AND ORDER
 CONTINUING DISCOVERY STAY**

Judge: Hon. Morrison C. England, Jr.

1 TAC [Docket No. 84];

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

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

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

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

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

15 WHEREAS, the Parties previously informed the Court that they intended to engage in a
16 conference or series of conferences to discuss the factual underpinnings of this case and to explore
17 the possibility of a resolution of the claims against EY in this action;

18 WHEREAS, the Parties have met to discuss the case against EY and those discussions are
19 continuing;

20 WHEREAS, the Parties wish to avoid the burden and expense of discovery while they
21 continue to engage in these discussions; and

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

24 **STIPULATION**

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

27 1. To allow the Parties to continue to explore a potential resolution of this action
28 before undertaking the burden and expense of discovery, all discovery in this action, including but

1 not limited to the filing of a Rule 26(f) discovery plan and/or responding to the discovery-related
2 topics in the Order Requiring Joint Status Report, is stayed for a further sixty (60) days following
3 adoption of this Stipulation by the Court (the "Further Stay").

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

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

11
12 Dated: August 29, 2017

LOWENSTEIN SANDLER LLP

13
14 By: /s/ Steven M. Hecht (as authorized on 8/28/17)

Steven M. Hecht

1251 Avenue of the Americas

New York, NY 10020

Tel: (212) 262-6700

Fax: (212) 262-07402

shecht@lowenstein.com

Attorneys for Plaintiffs

SPECIAL SITUATIONS FUND III QP, L.P.;

SPECIAL SITUATIONS CAYMAN FUND, L.P.;

AND DAVID M. FINEMAN

15
16
17
18
19
20 Dated: August 29, 2017

MAYER BROWN LLP

21
22 By: /s/ Elizabeth Mann

Elizabeth Mann

350 South Grand Avenue

25th Floor

Los Angeles, CA 90071

Tel: (213) 229-9500

Fax: (213) 625-0248

emann@mayerbrown.com

Attorneys for Defendant

ERNST & YOUNG LLP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

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

IT IS SO ORDERED.

Dated: August 30, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE