

1 DAVID M. FURBUSH (SBN 83447)
 david.furbush@pillsburylaw.com
 2 JAMES M. LINDFELT (SBN 275352)
 james.lindfelt@pillsburylaw.com
 3 PILLSBURY WINTHROP SHAW PITTMAN LLP
 4 2550 Hanover Street
 Palo Alto, CA 94304-1115
 5 Telephone: 650.233.4500
 Facsimile: 650.233.4545
 6
 7 Attorneys for Energy Recovery, Inc.,
 Thomas S. Rooney, and Audrey Bold

8 UNITED STATES DISTRICT COURT
 9
 10 NORTHERN DISTRICT OF CALIFORNIA
 11
 12 SAN FRANCISCO DIVISION

13 IN RE ENERGY RECOVERY, INC.
 14 SECURITIES LITIGATION

Case No. 3:15-cv-00265-EMC

CLASS ACTION

STIPULATION AND [~~PROPOSED~~] ORDER
 TO CONTINUE CASE MANAGEMENT
 CONFERENCE

Hon. Edward M. Chen

STIPULATION

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

The parties to this action, by and through their respective counsel, stipulate and agree as follows:

WHEREAS, this case is a putative class action brought under the Securities Exchange Act of 1934 (the "Exchange Act");

WHEREAS, section 21D(b)(3)(B) of the Exchange Act, 15 U.S.C. section 78u-4(b)(3)(B), provides for a mandatory and automatic stay of all discovery and other proceedings during the pendency of any motion to dismiss brought in this matter;

WHEREAS, on May 26, 2016, Lead Plaintiff Henry Low ("Plaintiff") filed the Second Amended Class Action Consolidated Complaint for Violation of the Federal Securities Laws (the "Complaint") (ECF No. 99);

WHEREAS, on June 13, 2016, Defendants Energy Recovery, Inc., Thomas Rooney, and Audrey Bold (collectively, "Defendants") filed a motion to dismiss the Complaint (ECF No. 100);

WHEREAS, following briefing on Defendants' motion to dismiss, the Court held a hearing on July 21, 2016;

WHEREAS, on August 5, 2016, the Court agreed to reserve decision on the motion to dismiss while the parties took part in private mediation;

WHEREAS, the parties conducted mediation on Wednesday, October 12, 2016 and reached an agreement in principle to settle the action, subject to negotiation of certain details; and

WHEREAS, the parties therefore respectfully request that the Court continue the Case Management Conference scheduled for November 8, 2016 for thirty days so that the parties may attempt to finalize the details of the settlement.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, subject to the Court's approval, that the Case Management Conference, currently set for November 8, 2016 be continued for thirty days.

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

IT IS SO STIPULATED.

Dated: November 1, 2016

PILLSBURY WINTHROP SHAW
PITTMAN LLP
DAVID M. FURBUSH
JAMES M. LINDFELT
2550 Hanover Street
Palo Alto, CA 94304-1115

By: /s/ David M. Furbush
David M. Furbush

*Attorneys for Defendants Energy Recovery,
Inc., Thomas S. Rooney, Jr., and Audrey
Bold*

Dated: November 1, 2016

NICHOLAS I. PORRITT
ADAM M. APTON
1101 30th Street N.W., Suite 115
Washington, D.C., 20007
Tel: (202) 524-4290
Fax: (202) 333-2121

By: /s/ Adam M. Apton
Adam M. Apton

PUNZALAN LAW, P.C.
MARK PUNZALAN
600 Allerton St., Suite 201
Redwood City, CA 94063

*Attorneys for Lead Plaintiff Henry Low and
Lead Counsel for Class*

CIVIL LOCAL RULE 5-1 ATTESTATION

In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that the other signatories
concurred in this filing.

Dated: November 1, 2016

By: /s/ James M. Lindfelt
JAMES M. LINDFELT

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

[PROPOSED] ORDER

Upon review of the parties' Stipulation to Continue the Case Management Conference, and good cause appearing therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Case Management Conference currently set for November 8, 2016 shall be continued ~~for thirty days.~~ *to December 15, 2016 at 10:30 am*

IT IS SO ORDERED.

DATED: 11/3/16

HON. EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE