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

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 13 IN RE ENERGY RECOVERY, INC.
 14 SECURITIES LITIGATION

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

CLASS ACTION

STIPULATION AND ORDER TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE

Hon. Edward M. Chen

1 **STIPULATION**

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

4 **WHEREAS**, this case is a putative class action brought under the Securities Exchange
5 Act of 1934 (the “Exchange Act”);

6 **WHEREAS**, section 21D(b)(3)(B) of the Exchange Act, 15 U.S.C. section 78u-
7 4(b)(3)(B), provides for a mandatory and automatic stay of all discovery and other proceedings
8 during the pendency of any motion to dismiss brought in this matter;

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

12 **WHEREAS**, on June 13, 2016, Defendants Energy Recovery, Inc., Thomas Rooney, and
13 Audrey Bold (collectively, “Defendants”) filed a motion to dismiss the Complaint (ECF No.
14 100);

15 **WHEREAS**, following briefing on Defendants’ motion to dismiss, the Court held a
16 hearing on July 21, 2016;

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

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

21 **WHEREAS**, the parties have entered into a memorandum of understanding with regards
22 to the settlement, have exchanged drafts of the settlement agreement and will soon be submitting
23 to this court a stipulation of settlement and proposed notice to the class; and

24 **WHEREAS**, the parties therefore respectfully request that the Court continue the Case
25 Management Conference for thirty days so that the parties may attempt to finalize the language
26 of the settlement agreement and notice to the class.

1 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,**
2 subject to the Court's approval, that the Case Management Conference, currently set for January
3 26, 2017 be continued for thirty days.

4 **IT IS SO STIPULATED.**

5
6 Dated: January 19, 2017

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10 By: /s/ David M. Furbush
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11 *Attorneys for Defendants Energy Recovery,*
12 *Inc., Thomas S. Rooney, Jr., and Audrey*
13 *Bold*

14 Dated: January 19, 2017

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

23 **CIVIL LOCAL RULE 5-1 ATTESTATION**

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

26
27 Dated: January 19, 2017

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

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ORDER

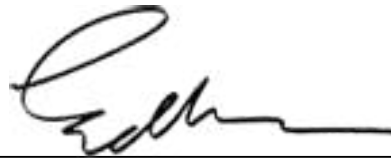
Upon review of the parties' Stipulation to Continue the Case Management Conference, and good cause appearing therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Case Management Conference currently set for January 26, 2017 shall be continued to March 2, 2017 at 10:30 a.m. Case Management Statement due February 23, 2017.

IT IS SO ORDERED.

DATED: January 20, 2017



HON. EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE