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5	Attorneys for Lead Plaintiff and Lead Counsel for Class				
6	and Lead Counsel for Class				
7	UNITED STATES DISTRICT COURT				
8	NORTHERN DISTRICT OF CALIFORNIA				
9					
10	SAN FRANC	ISCO DIVISION			
11		Case No. 3:15-cv-00265-EMC			
12 13	IN RE ENERGY RECOVERY, INC.	CLASS ACTION			
13	SECURITIES LITIGATION	STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT			
15		CONFERENCE			
16		Hon. Edward M. Chen			
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	Case No. 3:15-cv-00265-EMC	Stipulation and [Proposed] Order to Continue Case Management Conference			
		Dockets.Justia.com			

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 12, 2016 and			
20	reached an agreement in principle to settle the action, subject to negotiation of certain details;			
21	WHEREAS, the parties executed a Stipulation of Settlement on February 15, 2017;			
22	WHEREAS, Lead Plaintiff filed an unopposed motion for preliminary approval of the			
23	proposed class action settlement on February 15, 2017;			
24	WHEREAS, the Court requested supplemental briefing in support of the motion for			
25	preliminary approval of the class action settlement on February 22, 2017;			
26	WHEREAS, the parties are in the process of responding to the Court's request for			
27	additional information; and			
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	Case No. 3:15-cv-00265-EMC Stipulation and [Proposed] Order to Continue Case			

Stipulation and [Proposed] Order to Continue Case Management Conference

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1	WHEREAS, the parties therefore respectfully request that the Court continue the Case				
2	Management Conference for sixty (60) days so that the parties may attempt to provide the Court				
3	with the additional information requested for preliminary approval and, if acceptable, obtain				
4	preliminary approval of the settlement and proceed with providing notice of the settlement to the				
5	class.				
6	NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,				
7	subject to the Court's approval, that the Case Management Conference, currently set for March				
8	2, 2017 be continued for sixty (60) days.				
9	IT IS SO STIPULATED.				
10					
11	Dated: February 23, 2017	PILLSBURY WINTHROP SHAW PITTMAN LLP			
12		DAVID M. FURBUSH JAMES M. LINDFELT			
13		2550 Hanover Street Palo Alto, CA 94304-1115			
14					
15	By:	/s/ David M. Furbush David M. Furbush			
16					
17		Attorneys for Defendants Energy Recovery, Inc., Thomas S. Rooney, Jr., and Audrey			
18		Bold			
19	Dated: February 23, 2017	NICHOLAS I. PORRITT ADAM M. APTON			
20		1101 30 th Street N.W., Suite 115			
20		Washington, D.C., 20007 Tel: (202) 524-4290			
21		Fax: (202) 333-2121			
	By:	/s/ Adam M. Apton Adam M. Apton			
23		PUNZALAN LAW, P.C.			
24		MARK PUNZALAN			
25		600 Allerton St., Suite 201 Redwood City, CA 94063			
26		Attorneys for Lead Plaintiff Henry Low and			
27		Lead Counsel for Class			
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	-3- Case No. 3:15-cv-00265-EMC	Stipulation and [Proposed] Order to Continue Case Management Conference			

1		I RIILF 5-1	A TTESTATION		
2	CIVIL LOCAL RULE 5-1 ATTESTATION In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that the other signatories				
3	concurred in this filing.			• 5	
4					
5	Dated: February 23, 2017	By:	/s/ Adam M. Apton ADAM M. APTON		
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1	[PROPOSED] ORDER		
2	Upon review of the parties' Stipulation to Continue the Case Management Conference,		
3	and good cause appearing therefore,		
4	IT IS HEREBY ORDERED AS FOLLOWS:		
5	1. The Case Management Conference currently set for March 2, 2017 shall be		
6	continued to <u>May 11, 2017</u> at <u>10:30 a</u> .m.		
7	IT IS SO ORDERED.		
8	SSI SC		
9	DATED: February 27, 2017		
10	DATED: February 27, 2017		
11	HDI LUNI Judge Edward M. Chen S		
12	Judge Edward IV		
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14	THERN DISTRICT OF COM		
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