

1 PUNZALAN LAW, P.C.  
 Mark Punzalan (SBN: 247599)  
 2 600 Allerton Street, Suite 201  
 Redwood City, California 94063  
 3 Tel: (650) 362-4150  
 Fax: (650) 362-4151  
 4 markp@punzalanlaw.com

5 LEVI & KORSINSKY LLP  
 Nicholas I. Porritt (admitted *pro hac vice*)  
 6 Email: nporritt@zlk.com  
 1101 30<sup>th</sup> Street N.W., Suite 115  
 7 Washington, D.C. 20007  
 Tel: (202) 524-4290  
 8 Fax: (202) 333-2121  
 nporritt@zlk.com

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

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

14 IN RE ENERGY RECOVERY INC. SECURITIES LITIGATION 15 16 17 18 19	) Master File No. ) 3:15-cv-00265-EMC ) ) <u>CLASS ACTION</u> ) ) <b>STIPULATION AND [<del>PROPOSED</del>]</b> ) <b>ORDER TO CONTINUE</b> ) <b>SCHEDULING CONFERENCE</b> ) ) Judge: Hon. Edward M. Chen ) Case Management Conference: July 16, 2015
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STIPULATION AND [PROPOSED] ORDER  
 TO CONTINUE SCHEDULING CONFERENCE

1 STIPULATION

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

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

7 **WHEREAS**, the Court has set a Case Management Conference to be held on July 16, 2015,  
8 at 9:30 a.m., and has directed the parties to file a Case Management Statement on or before July 9,  
9 2015 (*see* Dkt. No. 39); and

10 **WHEREAS**, in light of the mandatory discovery stay that will be in effect during the  
11 pendency of any motions to dismiss, the parties respectfully submit that it would be premature to set  
12 a case schedule or develop a discovery plan at this stage of the proceedings; and

13 **WHEREAS**, the parties therefore respectfully request that the Court continue the Case  
14 Management Conference to take place only after challenges to the pleadings are resolved.

15 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, subject to  
16 the Court’s approval, that:

- 17 1. The Case Management Conference, currently set for July 16, 2015 at 9:30 a.m., shall  
18 be taken off calendar.
- 19 2. The Case Management Conference will be rescheduled by the Court following the  
20 resolution of challenges to the pleadings.

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**IT IS SO STIPULATED.**

Dated: July 7, 2015

PUNZALAN LAW, P.C.

By: /s/ Mark Punzalan  
Mark Punzalan

600 Allerton St., Suite 201  
Redwood City, CA 94063

LEVI & KORSINSKY LLP  
Nicholas I. Porritt  
1101 30<sup>th</sup> Street N.W., Suite 115  
Washington, D.C. 20007  
Tel: (202) 524-4290  
Fax: (202) 333-2121

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

Dated: July 7, 2015

PILLSBURY WINTHROP SHAW PITTMAN LLP

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

2550 Hanover Street  
Palo Alto, CA 94304-1115

*Attorneys for Defendant Energy Recovery, Inc.*

**ECF ATTESTATION**

I, Mark Punzalan, am the ECF User whose ID and Password are being used to file the foregoing document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that David M. Furbush has concurred in this filing.

DATED: July 7, 2015

PUNZALAN LAW, P.C.

By: /s/ Mark Punzalan  
Mark Punzalan

1 ~~PROPOSED~~ ORDER

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

4 IT IS HEREBY ORDERED AS FOLLOWS:

5 3. The Case Management Conference, currently set for July 16, 2015 at 9:30 a.m., is  
6 taken off the calendar.

7 4. The Case Management Conference will be ~~rescheduled by the Court following the~~  
8 ~~resolution of challenges to the pleadings.~~ is reset for 12/3/15 at 9:30 a.m. A joint  
cmc statement shall be filed by 11/25/15.

9 **IT IS SO ORDERED.**

10  
11 7/8/15

12 DATED: \_\_\_\_\_

