

1 NICHOLAS I. PORRITT (*admitted pro hac vice*)  
2 ADAM M. APTON (*admitted pro hac vice*)  
3 LEVI & KORSINSKY LLP  
4 1101 30th Street NW, Suite 115  
5 Washington, DC 20007  
6 Tel: (202) 524-4290  
7 Fax: (202) 333-2121

8 *Attorneys for Lead Plaintiff Henry Low*  
9 *and Lead Counsel for the Class*

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 IN RE ENERGY RECOVERY, INC.  
13 SECURITIES LITIGATION

No. 3:15-cv-00265-EMC

Hon. Edward M. Chen

14 **[PROPOSED] ORDER GRANTING**  
15 **STIPULATION REGARDING**  
16 **AGREEMENT RESOLVING**  
17 **LEAD PLAINTIFF'S**  
18 **EX PARTE APPLICATION**

19 Upon review of the parties Stipulation Regarding Agreement Resolving Lead Plaintiff's Ex  
20 Parte Application, and good cause appearing therefore,

21 IT IS HEREBY ORDERED AS FOLLOWS:

22 1. In the event that the California Petition is granted, and without any admission  
23 that any of the documents that will be collected from David Barnes are relevant to the  
24 allegations in the Complaint, Energy Recovery shall treat all documents, data compilations  
25 (including electronically recorded or stored data), and tangible objects collected from David  
26 Barnes as if they were the subject of a continuing request for production of documents from an  
27 opposing party under the Federal Rules of Civil Procedure.

28 2. To the extent Energy Recovery identifies any materials and/or documents in  
David Barnes' possession that it believes are subject to the terms of the Confidential

[PROPOSED] ORDER GRANTING STIPULATION RESOLVING LEAD PLAINTIFF'S *EX PARTE* APPLICATION  
IN RE ENERGY RECOVERY, INC. SECURITIES LITIGATION  
CASE No. 3:15-cv-000265-EMC

1 Information and Invention Assignment Agreement between Energy Recovery and David  
2 Barnes, or another confidentiality obligation owed by David Barnes to Energy Recovery,  
3 Energy Recovery shall create and maintain a detailed log of the materials and/or documents  
4 received sufficient to identify, describe, recall, and produce the materials and/or documents at a  
5 later date in this litigation, without waiver of any objections as to their discoverability or  
6 admissibility.

7 3. Lead Plaintiff's *Ex Parte* Application [ECF No. 80] is denied without prejudice.

8 **IT IS SO ORDERED.**

9  
10 Dated: 2/5/2016

