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5 Attorneys for Movant Robert E. Lapp  
 and Proposed Lead Counsel for the Class  
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8 **UNITED STATES DISTRICT COURT**  
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

11 KEVIN OHREN, Individually and on behalf of all  
 others similarly situated,

12 Plaintiff,

13 v.

14 AMYRIS, INC., JOHN G. MELO, and  
 15 KATHLEEN VALIASEK,

16 Defendants.

Case No. 3:17-cv-02210-WHO

**STIPULATION AND ORDER TO STAY  
 ADR DEADLINES, AND VACATE  
 INITIAL CASE MANAGEMENT  
 CONFERENCE**

Judge: Hon. William H. Orrick  
 Crtrm.: 2, 17th Floor

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 18 WHEREAS, Plaintiff Kevin Ohren filed his complaint in this securities class action on April 20,  
 19 2017;

20 WHEREAS, the Court issued an Initial Case Management Scheduling Order (the "Order") with  
 21 ADR Deadlines on April 20, 2017 (see ECF 7);

22 WHEREAS, the Order required the parties to meet and confer regarding initial disclosures, early  
 23 settlement, ADR process selection, and discovery plan by July 18, 2017;

24 WHEREAS, the Order required the parties to file a Joint ADR Certification with Stipulation to  
 25 ADR Process or Notice of Need for ADR Phone Conference by July 18, 2017;

26 WHEREAS, the Order states that the last day to complete initial disclosures or state objections in  
 27 the Rule 26(f) Report, file the Case Management Statement and file/serve the Rule 26(f) report is August  
 28 1, 2017;

1 WHEREAS, the Initial Case Management Conference is scheduled for August 8, 2017 at 2:00  
2 p.m.;

3 WHEREAS, pursuant to the Securities Exchange Act of 1934 (as amended by the Private  
4 Securities Litigation Reform Act of 1995) (see 15 U.S.C. § 78u-4(a)(3)(i)(II)) and Civ.L.R. 23(b), on June  
5 19, 2017, Robert E. Lapp (“Lapp”), individually, and Daniel Wheelless and Prettam Modur, as a group,  
6 filed competing motions for appointment as lead plaintiff and approval of selection of counsel, and a  
7 hearing on the motion is set for August 9, 2017 (see ECF 11, 15);

8 WHEREAS, Daniel Wheelless and Prettam Modur noticed their non-opposition to Movant Lapp’s  
9 motion for appointment as lead plaintiff and approval of selection of counsel on June 28, 2017 (see ECF  
10 17), and therefore, the parties anticipate the Court will appoint Movant Lapp as the lead plaintiff;

11 WHEREAS, following appointment of lead plaintiff, an Amended Complaint will be filed and  
12 Defendants Amyris, Inc., John G. Melo, and Kathleen Valiasek (“Defendants”) anticipate that they will  
13 likely move to dismiss said Amended Complaint;

14 WHEREAS, the filing of a motion to dismiss the Amended Complaint will require the lead  
15 plaintiff to file an opposition, which, in turn, will necessitate a reply from Defendants;

16 WHEREAS, pursuant to the terms of the Securities Exchange Act (as amended by the PSLRA)  
17 (see 15 U.S.C. § 78u-4(b)(3)(B)), all discovery is currently stayed pending resolution of any motion to  
18 dismiss filed by Defendants;

19 WHEREAS, Movant Lapp and Defendants, through counsel, have conferred and agree that the  
20 deadlines set forth in the Order should be stayed pending the Court’s disposition of Defendants’  
21 anticipated motion to dismiss; and

22 WHEREAS, the parties also agree that the initial case management conference, now set to occur  
23 before the hearing on the appointment of the lead plaintiff, should be vacated;

24 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO**  
25 **APPROVAL BY THIS COURT**, by these parties, through counsel, as follows:

26 1. The deadline to meet and confer regarding initial disclosures, early settlement, ADR  
27 process selection, and discovery plan is stayed until the Court’s disposition of the Defendants’ anticipated  
28 motion to dismiss;

1           2.       The deadline to file a Joint ADR Certification with Stipulation to ADR Process or Notice  
2 of Need for ADR Phone Conference is stayed until the Court's disposition of the Defendants' anticipated  
3 motion to dismiss;

4           3.       The deadline to complete initial disclosures or state objections in the Rule 26(f) Report,  
5 file the Case Management Statement, and file/serve the Rule 26(f) report is stayed until the Court's  
6 disposition of Defendants' anticipated motion to dismiss;

7           4.       The initial case management conference, currently scheduled for August 8, 2017 is  
8 vacated.

9  
10           **SO STIPULATED.**

11 Dated: July 21, 2017

**LEVI & KORSINSKY LLP**

12 By: /s/ Rosemary M. Rivas \_\_\_\_\_  
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18 Attorneys for Movant Robert E. Lapp  
19 and Proposed Lead Counsel for the Class

20 Dated: July 21, 2017

**KEKER, VAN NEST & PETERS, LLP**

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28 Attorneys for Defendants

**ATTESTATION**

29 I, Rosemary M. Rivas, am the ECF User whose identification and password are being used to  
30 file this Stipulation and [Proposed] Order to Stay ADR Deadlines and Vacate Initial Case  
31 Management Conference. In compliance with Local Rule 5-1(i)(3), I hereby attest that counsel for  
32 Defendants, Michael D. Celio, concurs in this filing.

/s/ Rosemary M. Rivas  
Rosemary M. Rivas

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1 **~~PROPOSED~~ ORDER**

2 Based on the parties' stipulation and the good cause described therein, the Court **GRANTS**  
3 the stipulation. The deadline to meet and confer regarding initial disclosures, early settlement, ADR  
4 process selection, and discovery plan; and the deadline to file a Joint ADR Certification with Stipulation  
5 to ADR Process or Notice of Need for ADR Phone Conference; and the deadline to complete initial  
6 disclosures or state objections in the Rule 26(f) Report, file the Case Management Statement and  
7 file/serve the Rule 26(f) report, are stayed until the Court's disposition of the Defendants' anticipated  
8 motion to dismiss. The initial case management conference, currently scheduled for August 8, 2017 is  
9 vacated.

10 IT IS SO ORDERED.

11  
12 DATED: July 21, 2017

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15 Hon. William H. Orrick  
16 United States District Judge  
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