

1 Lionel Z. Glancy (SBN 134180)  
 Robert V. Prongay (SBN 270796)  
 2 Lesley F. Portnoy (SBN 304851)  
**GLANCY PRONGAY & MURRAY LLP**  
 3 1925 Century Park East, Suite 2100  
 Los Angeles, California 90067  
 4 Telephone: (310) 201-9150  
 Facsimile: (310) 201-9160  
 5 Email: info@glancylaw.com

6 **THE ROSEN LAW FIRM, P.A.**  
 Laurence M. Rosen (SBN 219683)  
 7 355 South Grand Avenue, Suite 2450  
 Los Angeles, CA 90071  
 8 Telephone: (213) 785-2610  
 9 Email: lrosen@rosenlegal.com

10 *Co-Lead Counsel for Plaintiff and Class*

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

13 STEVEN G. CHEEHY, Individually and on  
 Behalf of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 EKSO BIONICS HOLDINGS, INC.,  
 17 THOMAS LOOBY, and MAXIMILLIAN  
 SCHEDER-BIESCHIN,

18 Defendants.

Case No: 3:18-cv-00212-CRB

**CLASS ACTION**

**STIPULATION AND ~~PROPOSED~~  
 ORDER DISMISSING CASE**

21 Lead Plaintiff James Myers (“Myers”) and Defendants Ekso Bionics Holdings, Inc.,  
 22 Thomas Looby, and Maximilian Scheder-Bieschin (“Defendants”), by and through their  
 23 undersigned counsel, hereby agree and stipulate as follows:

24 **RECITALS**

25 WHEREAS, on January 10, 2018, Plaintiff Steven G. Cheehy (“Cheehy”) commenced the  
 26 above-captioned action, (the “*Cheehy* Action”), against Defendants.

1           WHEREAS, on January 2, 2018, Rimon Bekhet (“Bekhet”) filed an action, captioned  
2 Bekhet v. Ekso Bionics Holdings, Inc., No. 1:18-cv-00001 in the United States District Court for  
3 the Eastern District of New York.

4           WHEREAS, on June 15, 2018, this Court appointed James Myers (“Myers”) as Lead  
5 Plaintiff on behalf of a putative class of purchasers of Ekso Bionics Holdings, Inc. securities.

6           WHEREAS, on August 14, 2018, Myers filed his Consolidated Amended Class Action  
7 Complaint against Defendants.

8           WHEREAS, On October 15, 2018, Defendants filed a Motion to Dismiss Lead Plaintiff’s  
9 Consolidated Amended Complaint (Dkt. No. 43);

10           NOW THEREFORE, the Parties hereby STIPULATE and AGREE as follows:

- 11           1.       Myers will forego filing an opposition to Defendants’ Motion to Dismiss Lead  
12 Plaintiff’s Consolidated Amended Complaint.
- 13           2.       All parties will bear their own costs and expenses relating to this Case, including  
14 attorneys’ fees.
- 15           3.       This matter is dismissed with prejudice as to Lead Plaintiff James Myers and as to  
16 plaintiffs Bekhet and Cheehy.

17 Dated: November 29, 2018

Respectfully submitted,

**GLANCY PRONGAY & MURRAY LLP**

*s/ Lesley F. Portnoy*  
\_\_\_\_\_  
Lesley F. Portnoy (SBN 304851)  
1925 Century Park East, Suite 2100  
Los Angeles, California 90067  
Telephone: (310) 201-9150  
Facsimile: (310) 201-9160  
Email: info@glancylaw.com

*Co-Lead Counsel for Lead Plaintiff James Myers*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**THE ROSEN LAW FIRM, P.A.**

*s/ Laurence M. Rosen*

\_\_\_\_\_  
Laurence M. Rosen (SBN 219683)  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071  
Telephone: (213) 785-2610  
Email: lrosen@rosenlegal.com

*Co-Lead Counsel for Lead Plaintiff James Myers and  
Plaintiff Rimon Bekhet*

**POMERANTZ, LLP**

*s/ Jennifer Pafiti*

\_\_\_\_\_  
Jennifer Pafiti (SBN 282790)  
468 North Camden Drive  
Beverly Hills, CA 90210  
Telephone: 818-532-6499  
Email: jpafiti@pomlaw.com

*Counsel for Plaintiff Steven G. Cheehy*

Dated: November 29, 2018

**MORRISON & FOERSTER LLP**

*s/ Darryl P. Rains*

\_\_\_\_\_  
Darryl P. Rains  
755 Page Mill Road  
Palo Alto, CA 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792  
Email: Drains@mofo.com

*Counsel for Defendants Ekso Bionics Holdings, Inc.,  
Thomas Looby, and Maximillian Scheder-Bieschin*

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: December 4, 2018



\_\_\_\_\_  
The Honorable Charles R. Breyer  
United States District Judge