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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

FENWICK & WEST LLP  
 ATTORNEYS AT LAW  
 SAN FRANCISCO

13 NATHAN DYE, Individually and on Behalf of  
 14 All Others Similarly Situated,

15 Plaintiff,

16 v.

17 GOPRO, INC., NICHOLAS D. WOODMAN  
 AND BRIAN T. MCGEE,

18 Defendants.

Case No.: 3:18-cv-00248-WHA

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER EXTENDING DEFENDANTS'  
 TIME TO ANSWER OR OTHERWISE  
 RESPOND TO THE COMPLAINT  
 AND CONTINUING CASE  
 MANAGEMENT CONFERENCE AND  
 ASSOCIATED DEADLINES**

Date Action Filed: January 11, 2018

1           WHEREAS, on January 11, 2018, Plaintiff Nathan Dye (“Plaintiff”), individually and on  
2 behalf of all others similarly situated, filed a putative class action complaint captioned *Dye v.*  
3 *GoPro, Inc., et al.*, No. 3:18-cv-00248 against defendants GoPro, Inc., Nicholas Woodman, and  
4 Brian McGee (collectively, “Defendants” and with Plaintiff, the “Parties”) alleging violations of  
5 Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§  
6 78j(b) and 78t(a), and Securities and Exchange Commission (“SEC”) Rule 10b-5 promulgated  
7 thereunder, 17 C.F.R. § 240.10b-5 (the “Complaint”);

8           WHEREAS, on January 12, 2018, this Court issued an Order Setting Initial case  
9 Management Conference and ADR Deadlines (Dkt. No. 5) in the above-captioned action, setting  
10 the following deadlines:

- 11           1.     **March 29, 2018** for the parties to comply with certain requirements under the  
12 Federal Rules of Civil Procedure and the Northern District of California Civil  
13 Local Rules (“Local Rules” or “Civ. L.R.”) and Alternative Dispute Resolution  
14 (“ADR”) Local Rules regarding discovery, early settlement, and the ADR Multi-  
15 Option Program;
- 16           2.     **April 12, 2018** for the parties to file a Rule 26(f) Report, complete initial  
17 disclosures or state objections in the Rule 26(f) Report, and file a Joint Case  
18 Management Statement; and
- 19           3.     **April 19, 2018 at 11:00 a.m.** for an initial case management conference;

20           WHEREAS, the Complaint asserts claims under the federal securities laws that are subject  
21 to the Private Securities Litigation Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737 (1995),  
22 (“PSLRA”), which sets forth specialized procedures for the administration of securities class  
23 actions, including a specific process for the appointment of a lead plaintiff and lead counsel to  
24 represent the putative class;

25           WHEREAS, lead plaintiff and lead counsel have not yet been appointed pursuant to  
26 Section 21D of the Securities Exchange Act, 15 U.S.C. § 78u-4. The deadline to move for  
27 appointment as lead plaintiff is March 12, 2018;

1           WHEREAS, once a lead plaintiff is appointed, the Court will then appoint lead counsel.  
2   *See* § 78u-4(a)(3)(B)(v);

3           WHEREAS, the Parties agree that in the interests of judicial economy, conservation of  
4 time and resources, and orderly management of this action, no response to any pleading in this  
5 action by any Defendant should occur until after (i) a lead plaintiff and lead counsel are appointed  
6 by the Court pursuant to the PSLRA, and (iii) such lead plaintiff serves an amended or  
7 consolidated complaint;

8           WHEREAS, the parties respectfully submit that good cause exists to vacate the April 19,  
9 2018 initial case management conference and associated ADR deadlines until such time as the  
10 Court has the opportunity to rule on the appointment of lead plaintiff and approval of lead  
11 counsel; and

12           WHEREAS, the Parties hereby stipulate, and respectfully request the Court to order, as  
13 follows:

14           1.       Within 14 days of an order by the Court appointing lead plaintiff and lead counsel,  
15 Defendants and any lead plaintiff(s) appointed by the Court shall, through their respective  
16 counsel, confer and jointly submit a proposed schedule for the filing of any amended complaint or  
17 consolidated complaint and for the filing of a responsive pleading, including a briefing schedule  
18 with respect to any anticipated motions to dismiss;

19           2.       Defendants shall not be required to answer, move, or otherwise substantively  
20 respond to the Complaint until the date agreed upon by the Parties in the proposed schedule  
21 described in paragraph 1 above, if approved by the Court, or until such other further order by the  
22 Court.

23           3.       Pursuant to Civil L.R. 16-2, the initial case management conference scheduled for  
24 April 19, 2018 shall be vacated, along with any associated deadlines under the Federal Rules of  
25 Civil Procedure and Local Rules, to be rescheduled for a date after the filing of any consolidated  
26 complaint or after the Court rules on Defendants' anticipated motion to dismiss, as the Court  
27 determines to be appropriate; and all associated ADR Multi-Option Program deadlines likewise  
28 be deferred.

1 4. Nothing in this Stipulation is intended in any way to waive or affect any rights,  
2 claims, defenses, objections or arguments that any party may have with respect to any matter,  
3 other than those expressly addressed and agreed in paragraphs 1 through 3 above.

4  
5 Dated: January 24, 2018 FENWICK & WEST LLP  
6 By: /s/ Catherine D. Kevane  
7 Catherine D. Kevane

8 Attorneys for Defendants GoPro, Inc., Nicholas D.  
9 Woodman and Brian T. McGee

10 Dated: January 24, 2018 ROBBINS GELLER RUDMAN & DOWD LLP  
11 By: /s/ Shawn Williams  
12 Shawn Williams

13 Attorneys for Plaintiff Nathan Dye

14 Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in filing this stipulation.

15 Dated: January 24, 2018 By: /s/ Catherine D. Kevane  
16 Catherine D. Kevane

17 \* \* \*

18 **[~~PROPOSED~~] ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED. CMC reset for 5/24/18 at 9:30  
20 a.m. Joint CMC statement due

21 Dated: 2/6/18

22 5/17/18  
23 The Honorable ~~William Alsup~~  
24 United States District Judge

