

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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STEVEN AMERIO and ANDREW
GOLDBERG, Individually and as Co-Lead
Plaintiffs on behalf of all others similarly situated,
as a class,

Plaintiffs,

v.

GREGORY W. GRAY, JR.; GREGORY P.
EDWARDS; ARCHIPEL CAPITAL LLC; BIM
MANAGEMENT LP; BENNINGTON
INVESTMENT MANAGEMENT, INC.; and
against all in a representative and fiduciary
capacity as acting GENERAL PARTNERS and
CONTROL MEMBERS of BENNINGTON-
EVERLOOP LP.; ARCHIPEL CAPITAL-
AGRIVIDA LLC; ARCHIPEL CAPITAL-
BLOOM ENERGY LP; ARCHIPEL CAPITAL-
LATE STAGE FUND LP; ARCHIPEL
CAPITAL-LINEAGEN LP; ARCHIPEL
CAPITAL-SOCIAL MEDIA FUND LP, (1, 2, 3
& 4), and against each said funds Individually as
Limited Partnership Enterprises and as Attorneys
and Publishers of all Private Placement
Memorandums in connection with each/any/or all
of the above entities; and Jane Does and Mary
Roes (#1-10),

Defendants.
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Civil Case. No. 5:15 CV-00538
(DNH/TWD)

Jury Trial Demanded

**STIPULATION OF DISMISSAL
OF COUNTS II, III, VII, VIII,
IX, X, XI & XII OF THE
SECOND AMENDED
COMPLAINT AGAINST
DEFENDANT GREGORY W.
GRAY, JR.**

Plaintiffs, Steven Amerio and Andrew Goldberg, by their undersigned counsel and pursuant to this Court's Memorandum-Decision and Order dated July 21, 2020, *see* Docket No. 282 at 38-39, reported as *Amerio v. Gray*, 2020 WL 4192618, at *20-21 (N.D.N.Y. July 21, 2020), hereby stipulate to the dismissal of Counts II, III, VII, VIII, IX, X, XI and XII of their Second Amended Class Action Complaint against Defendant, Gregory W. Gray, Jr.

DATED: August 6, 2020

Respectfully submitted,

WILENTZ, GOLDMAN & SPITZER, P.A.

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Counsel for Plaintiffs

SO ORDERED. Dated:

August 11, 2020


David N. Hurd
U.S. District Judge