

Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JASON MOOMJY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HQ SUSTAINABLE MARITIME
INDUSTRIES, INC., NORBERT
SPORNS and JEAN-PIERRE
DALLAIRE, *et al.*,

Defendants.

No. 2:11-cv-00726-RSL

CLASS ACTION

STIPULATION AND ORDER
EXTENDING TIME TO FILE BRIEFING
ON MOTIONS TO DISMISS IN LIGHT
OF SETTLEMENT PROGRESS

NOTE ON MOTION CALENDAR:

August 3, 2012

WHEREAS Defendants in this case filed motions to dismiss (Dkt. Nos. 109, 111, and 115) on February 7, 2012 (the "Motions to Dismiss");

WHEREAS on March 13, 2012, the Parties filed a Stipulation and Order extending the time for Lead Plaintiff to file its opposition to the Motions to Dismiss from March 30, 2012, until May 25, 2012 (and for Defendants to file their replies from April 25, 2012 to June 25, 2012), because the Parties had scheduled a mediation session with mediator Jed Melnick in New York on April 24-25, 2012;

WHEREAS by stipulations and orders dated May 25, 2012, and June 18, 2012, the Court ordered that the deadlines for Lead Plaintiff's opposition to the Motions to Dismiss

1 and Defendants' replies thereto be extended at the parties' request in order to permit them
2 to continue settlement negotiations. Lead Plaintiff's opposition to the Motions to Dismiss
3 and Defendants' replies thereto are now due on August 3, 2012, and September 7, 2012,
4 respectively, and the motions have been re-noted for September 7, 2012 (Dkt. No. 128);

5 WHEREAS as a result of the mediation and settlement discussions that occurred
6 during the months following mediation, which were described in the stipulations filed by
7 counsel for the parties on May 24, 2012 (Dkt. No. 123) and June 15, 2012 (Dkt. No. 126),
8 the parties have made substantial progress toward reaching an agreement to settle all claims
9 in this case;

10 WHEREAS since June 15, 2012, the parties have continued to make progress
11 toward resolving this action, including with respect to the ongoing process of preparing
12 drafts of the settlement agreement and papers related to preliminary approval of the
13 settlement, notice to the class, and the hearing for final approval of the settlement;

14 WHEREAS once the settlement process has been completed, Lead Plaintiff will file
15 a motion requesting that the Court preliminarily approve the settlement, approve the notice
16 to be disseminated to class members, and set a date for a hearing to consider the fairness
17 and adequacy of the proposed settlement;

18 WHEREAS, despite diligent efforts, the parties have been unable to finalize the
19 settlement documents for filing before the current August 3, 2012 deadline for Lead
20 Plaintiff's opposition to the motions to dismiss;

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
22 among the Parties that:

23 1. The time for Lead Plaintiff to file an opposition to the motions to dismiss
24 should be extended from August 3, 2012, until September 14, 2012.

25 2. The time for HQ Sustainable Maritime Industries, Inc., Norbert Sporns,
26 Jean-Pierre Dallaire, Ladenburg Thalmann & Co. and Roth Capital Partners, LLC to file

1 replies in further support of their motions to dismiss should be extended from September 7,
2 2012, until October 19, 2012.

3 3. The motions to dismiss should be re-noted for October 19, 2012.
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5 DATED: August 3, 2012
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7 KELLER ROHRBACK L.L.P.
8

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Counsel for Defendants Ladenburg Thalmann & Co. and Roth Capital Partners, LLC

1 **[PROPOSED] ORDER**

2 IT IS HEREBY ORDERED that in light of the parties' progress toward settlement
3 of this action, and to conserve the resources of the Parties and the Court, the deadline for
4 the Lead Plaintiff to file an opposition to the pending motions to dismiss the consolidated
5 complaint in this action (Dkt. Nos. 109, 111, and 115) is extended until September 14,
6 2012. The Defendants shall have until October 19, 2012, to file any replies in further
7 support of their motions to dismiss. The motions to dismiss shall be re-noted for October
8 19, 2012.

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10 DATED: This 16th day of August, 2012.

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13 Robert S. Lasnik
14 United States District Judge
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