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THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE ATOSSA GENETICS, INC.
SECURITIES LITIGATION

This Document Relates To:

ALL ACTIONS.

CASE NO.: 2:13-cv-01836 RSM

CLASS ACTION

**STIPULATION AND ORDER
REGARDING SCHEDULE FOR
RESPONDING TO CONSOLIDATED
AMENDED COMPLAINT**

Lead plaintiffs Miko Levi, Bandar Almosa and Gregory Harrison (“Lead Plaintiffs”), defendants Atossa Genetics, Inc., Steven C. Quay, Christopher Benjamin, Kyle Guse, Shu-Chih Chen, John Barnhart, Stephen J. Galli, Alexander Cross and H. Lawrence Rimmel (collectively, “Atossa Defendants”), and defendants Dawson James Securities, Inc., Viewtrade Securities, Inc. and Paulson Investment Company, Inc. (collectively, “Underwriter Defendants,” together with Atossa Defendants, “Defendants,” together with Atossa Defendants and Lead Plaintiffs, the “Parties”) having met and conferred, submit the following Stipulation Regarding Schedule for Responding to Consolidated Amended Complaint, and ask the Court to enter an order consistent with this Stipulation.

1 WHEREAS, the above-captioned action is a putative class action asserting violations of
2 the federal securities laws against Defendants;

3 WHEREAS, on October 10, 2013, Nicholas Cook filed a Class Action Complaint, which
4 alleged that Defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934
5 and Rule 10b-5 promulgated thereunder, as well as Sections 11, 12(a)(2) and 15 of the Securities
6 Act of 1933;

7 WHEREAS, on February 14, 2014, the Court issued an order appointing Lead Plaintiffs,
8 approving the selection of Co-Lead Counsel, and stating that Lead Plaintiffs were permitted to
9 file an amended class action complaint within 60 days from the date of the Court's order;

10 WHEREAS, on April 15, 2014, Lead Plaintiffs filed a Consolidated Amended
11 Complaint;

12 NOW, THEREFORE, counsel for the Parties stipulate and agree to extend the time for
13 Defendants to respond to the Consolidated Amended Complaint and to a briefing schedule on
14 motions to dismiss that Consolidated Amended Complaint as follows:

15 1. Atossa Defendants and Underwriter Defendants shall have until May 30, 2014 to
16 answer or move to dismiss the Consolidated Amended Complaint.

17 2. If Atossa Defendants and/or Underwriter Defendants move to dismiss the
18 Consolidated Amended Complaint, Lead Plaintiffs shall have until July 11, 2014 to oppose the
19 motion(s) to dismiss, and the Atossa Defendants and/or Underwriter Defendants shall have until
20 July 31, 2014 to reply to Lead Plaintiffs' opposition(s).

21 3. The Atossa Defendants' and/or Underwriter Defendants' motion(s) to dismiss
22 shall be noted for August 1, 2014.

23 IT IS SO STIPULATED.

24 Dated: April 18, 2014

s/ Barry M. Kaplan

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7 Dated: April 18, 2014

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27 *Attorneys for Underwriter Defendants*

Dated: April 18, 2014

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Co-Lead Counsel for Lead Plaintiffs

1 **ORDER**

2 Based upon the above stipulation of Lead Plaintiffs and Defendants, by and through
3 their counsel of record, and for good cause appearing, the Atossa Defendants and/or
4 Underwriter Defendants have until May 30, 2014 to answer or otherwise respond to the
5 Consolidated Amended Complaint. If the Atossa Defendants and/or Underwriter Defendants
6 move to dismiss the Consolidated Amended Complaint, Lead Plaintiffs shall have until July
7 11, 2014 to oppose the motion(s) to dismiss, and the Atossa Defendants and/or Underwriter
8 Defendants shall have until July 31, 2014 to reply to Lead Plaintiffs' opposition(s). Any
9 motion to dismiss filed under this agreed schedule shall be noted for August 1, 2014.

10 IT IS SO ORDERED.

11 Dated: April 21, 2014

12 

13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE
15

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17 Submitted by:

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