

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE ATOSSA GENETICS, INC.
SECURITIES LITIGATION

CASE NO. 2:13-cv-1836-RSM

**JOINT STATUS REPORT,
STIPULATION, AND ORDER**

Plaintiffs Miko Levi, Bandar Almosa, and Gregory Harrison (“Lead Plaintiffs”), and Defendants Atossa Genetics, Inc. and Steven C. Quay (“Defendants”) (together the “Parties”) provide this Joint Status Update pursuant to the Court’s instructions on September 29, 2017 (ECF No. 80). Having met and conferred, the Parties submit the following Status Update and Stipulation Regarding Scheduling, and ask the Court to enter an order consistent with this Stipulation.

WHEREAS, on August 18, 2017, the Ninth Circuit Court of Appeals filed its order affirming in part, reversing in part, vacating in part, and remanding this Court’s order on Defendants’ motion to dismiss. (the “Ninth Circuit Decision”) (ECF No. 73.) The Ninth Circuit’s mandate issued on September 11, 2017. (ECF No. 74.)

WHEREAS, on September 29, 2017, the parties held a telephonic status conference with the Court. (ECF No. 80.)

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1 WHEREAS, on October 4, 2017, Lead Plaintiffs sent a draft proposed amended
2 complaint to Defendants (the "Proposed Amended Complaint"). The Proposed Amended
3 Complaint modifies the existing operating complaint to conform to the Ninth Circuit Decision.

4 WHEREAS, on October 11, 2017, Defendants informed Lead Plaintiffs that they did not
5 intend to move to dismiss the proposed amended complaint once it was filed.

6 WHEREAS, the Parties have previously agreed to jointly attend a mediation on
7 November 30, 2017, in New York City.

8 NOW, THEREFORE, counsel for the Parties stipulate and agree as follows:

- 9
- 10 1. Lead Plaintiffs will file their Proposed Amended Complaint on October 20, 2017.
 - 11 2. Defendants will not move to dismiss the Proposed Amended Complaint.
 - 12 3. The Parties will hold a Federal Rule of Civil Procedure 26(f) conference on or
13 before November 3, 2017, and will file a Joint Status Report pursuant to Fed. R. Civ. P. 26(f) and
14 LCR 16(a)(2) on or before November 10, 2017.
 - 15 4. The Court will hold a scheduling conference on or after December 8, 2017.
 - 16 5. Defendants will answer the Amended Complaint on or before December 8, 2017.

17 **IT IS SO STIPULATED.**

18
19
20 October 16, 2017

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ORDER

Based upon the above stipulation of Lead Plaintiffs and Defendants, by and through their counsel of record, and for good cause appearing, Lead Plaintiffs shall file their Proposed Amended Complaint on or before October 20, 2017; Defendants will not move to dismiss the Proposed Amended Complaint; the Parties shall hold a Federal Rule of Civil Procedure 26(f) conference on or before November 3, 2017, and shall file a joint status report pursuant to Fed. R. Civ. P. 26(f) and LCR 16(a)(2) on or before November 10, 2017; after which the Court will issue a Scheduling Order; and Defendants shall answer the Proposed Amended Complaint on or before December 8, 2017.

IT IS SO ORDERED.

DATED this 16 day of October 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Submitted by:

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