

1 THE HONORABLE RICARDO S. MARTINEZ
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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 IN RE ATOSSA GENETICS, INC.
12 SECURITIES LITIGATION

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

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

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

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

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

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Zwerling, Schachter & Zwerling, LLP
1904 Third Avenue, Suite 1030
Seattle, WA 98101-1170
Tel.: (206) 223-2053

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

16 **IT IS SO STIPULATED.**

17 October 16, 2017

18 **WILSON SONSINI GOODRICH &
ROSATI, LLP**

19 s/ Gregory L. Watts

20 Barry M. Kaplan, WSBA #8661
21 Gregory L. Watts, WSBA #43995
22 701 Fifth Avenue, Suite 5100
23 Seattle, Washington 98104-7036
24 (206) 883-2500 phone
25 (206) 883-2699 fax
26 bkaplan@wsgr.com
gwatts@wsgr.com

27 *Attorneys for Defendant Atossa Genetics, Inc.
and Steven Quay*

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2 Zwerling, Schachter & Zwerling, LLP
1904 Third Avenue, Suite 1030
Seattle, WA 98101-1170
Tel.: (206) 223-2053

**ZWERLING, SCHACHTER & ZWERLING
LLP**

/s/ Dan Drachler

Dan Drachler (WSBA #27728)
1904 Third Avenue, Suite 1030
Seattle, WA 98101-1170
(206) 223-2053 phone
(206) 343-9636 fax
ddrachler@zsز.com

Liaison Counsel for Lead Plaintiffs

POMERANTZ LLP

Jeremy A. Lieberman, *pro hac vice*
Marc I. Gross, *pro hac vice*
Michael J. Wernke, *pro hac vice*
600 Third Avenue, 20th Floor
New York, New York 10016
(212) 661-1100 phone
(212) 661-8665 fax
jalieberman@pomlaw.com
lfportnoy@pomlaw.com
mjwernke@pomlaw.com

and

Patrick V. Dahlstrom
10 South LaSalle Street, Suite 3505
Chicago, Illinois 60603
(312) 377-1181 phone
(312) 377-1184 fax
pdahlstrom@pomlaw.com

BLOCK & LEVITON LLP

Jeffrey C. Block, *pro hac vice*
Jacob A. Walker, *pro hac vice*
155 Federal Street, Suite 400
Boston, Massachusetts 02110
(617) 398-5600 phone
(617) 507-6020 fax
jeff@blockesq.com
jake@blockesq.com

Co-Lead Counsel for Lead Plaintiffs and the Class

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
RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Submitted by:

Dan Drachler (WSBA #27728)
1904 Third Avenue, Suite 1030
Seattle, WA 98101-1170
(206) 223-2053 phone
(206) 343-9636 fax
ddrachler@zsز.com

Liaison Counsel for Lead Plaintiffs