

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JERRY RICHARD, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

vs.

NORTHWEST PIPE COMPANY, et al.,

Defendants.

No. 3:09-cv-05724-RBL

**(Consolidated)**

CLASS ACTION

STIPULATION AND ORDER REGARDING  
SCHEDULING OF FILING OF  
CONSOLIDATED COMPLAINT AND  
CORRESPONDING MOTIONS TO  
DISMISS

1           WHEREAS, the above-entitled action has been consolidated and is currently pending before  
2 this Court;

3           WHEREAS, on January 26, 2010, the Court entered a Stipulation and Order Regarding  
4 Scheduling which provided, *inter alia*, that following the appointment of lead plaintiff and lead  
5 plaintiff's counsel, the parties would meet and confer and submit a mutually agreeable schedule for  
6 the filing of plaintiff's consolidated complaint and any corresponding briefing related to defendants'  
7 motion to dismiss;

8           WHEREAS, on February 25, 2010, the Court entered an Order appointing Plumbers and  
9 Pipefitters Local Union No. 630 Pension-Annuity Trust Fund as lead plaintiff and approving lead  
10 plaintiff's selection of counsel;

11           WHEREAS, the parties met and conferred and agree on a proposed schedule;

12           WHEREAS, on November 11, 2009, defendant Northwest Pipe Company ("Northwest")  
13 announced that it was delaying the filing of its Quarterly Report on Form 10-Q ("10-Q") for the  
14 quarter ended September 30, 2009 ("3Q09") with the United States Securities and Exchange  
15 Commission ("SEC") "pending the conclusion of an ongoing internal investigation by Northwest's  
16 Audit Committee of certain accounting matters, including certain revenue recognition practices,  
17 being conducted by the Audit Committee of the Board of Directors with the assistance of  
18 independent professionals" (November 11, 2009 Press Release);

19           WHEREAS, Northwest has yet to file its 3Q09 Form 10-Q or its final financial results with  
20 the SEC and has not announced the completion of the internal investigation;

21           WHEREAS, Northwest's Annual Report on Form 10-K for the fiscal year ended December  
22 31, 2009 ("Form 10-K") is due to be filed with the SEC on March 16, 2010, and there is  
23 considerable doubt whether Northwest will be able to timely file its Form 10-K due to the ongoing  
24 internal investigation;

1 WHEREAS, plaintiffs' claims in this case expressly cite the Company's internal  
2 investigation and include allegations of accounting violations related to the issues currently being  
3 investigated by Northwest;

4 WHEREAS, filing the consolidated complaint and corresponding motion to dismiss briefing  
5 before the completion of the internal investigation would result in significant redundancies and  
6 inefficient use of resources of the parties and the Court; and

7 WHEREAS, the parties agree that the interests of judicial economy and the efficient  
8 management of this litigation are best served by awaiting the completion of Northwest's internal  
9 investigation and the issuance of its final financial results for 3Q09 and FY09 before filing a  
10 consolidated complaint and corresponding briefing;

11 NOW, THEREFORE, the parties hereby stipulate to a scheduling order as follows:

12 1. The consolidated complaint in this action shall be filed within 45 days of Northwest's  
13 having completed the filing of both its 3Q09 10-Q and FY09 10-K with the SEC.

14 2. Until such time as a consolidated complaint is filed in this action, defendants are not  
15 required to answer or otherwise respond to the complaint in this action.

16 3. Upon the filing of a consolidated complaint, defendants shall have 45 days to answer  
17 or otherwise respond to the consolidated complaint. In the event that defendants move to dismiss the  
18 consolidated complaint, any opposition to such motion shall be filed within 45 days of filing. Any  
19 reply shall be filed within 21 days of the filing of plaintiffs' opposition.

20 4. The parties' discovery obligations remain stayed pursuant to the terms of the Private  
21 Securities Litigation Reform Act.

22 **STIPULATED AND AGREED:**

23 DATED: March 11, 2010

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
ELI R. GREENSTEIN  
CHRISTOPHER M. WOOD

24  
25  
26  
s/ Eli R. Greenstein  
ELI R. GREENSTEIN

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)  
E-mail: elig@csgrr.com  
E-mail: [cwood@csgrr.com](mailto:cwood@csgrr.com)

Lead Counsel for Plaintiff

HAGENS BERMAN SOBOL SHAPIRO LLP  
Karl P. Barth, WSBA No. 22780  
1918 Eighth Avenue, Suite 3300  
Seattle, WA 98101  
Telephone: 206/623-7292  
206/623-0594 (fax)  
E-mail: karlb@hbsslaw.com

Liaison Counsel

SUGARMAN & SUSSKIND  
HOWARD S. SUSSKIND  
100 Miracle Mile, Suite 300  
Coral Gables, FL 33134  
Telephone: 305/529-2801  
305/447-8115 (fax)

Additional Counsel for Plaintiff

DATED: March 11, 2010

HOGAN & HARTSON LLP  
ROBIN WECHKIN

s/ Robin Wechkin  
ROBIN WECHKIN

8426 316th Place SE  
Issaquah, WA 98027  
Telephone: 425/222-6229  
E-mail: rwechkin@hhlaw.com

HOGAN & HARTSON LLP  
GEORGE H. MERNICK, III  
555 13th Street, NW  
Washington, DC 20004  
Telephone: 202/637-5726  
202/637-5910 (fax)  
E-mail: ghmernick@hhlaw.com

Attorneys for Defendants

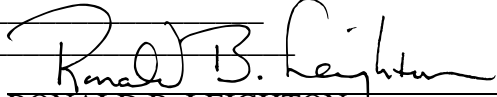
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: March 12, 2010



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE