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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT PETERSEN,
Plaintiff,
v.
STEM, INC., et al.,
Defendants.

Case No. [23-cv-02329-MMC](#)

**ORDER APPROVING JOINT
STIPULATION APPOINTING VISHAL
P. THAKKAR AND VISHAL LAWALE
AS LEAD PLAINTIFF AND
APPROVING ROBBINS GELLAR
RUDMAN & DOWD LLP AND LEVI &
KORSINSKY, LLP AS LEAD COUNSEL**

Before the Court are two motions and one stipulation: (a) Vishal Lawale’s (“Lawale”) “Motion for (1) Consolidation of the Actions; (2) Appointment of Lead Plaintiff; and (3) Approval of Selection of Counsel,” filed July 11, 2023 (see Dkt. No. 30); (b) Vishal P. Thakkar’s (“Thakkar”) “Motion for Consolidation of Related Actions; Appointment of Lead Plaintiff and Approval of Lead Plaintiff’s Selection of Counsel,” filed July 11, 2023 (see Dkt. No. 43); and (c) “Joint Stipulation Appointing Vishal P. Thakkar and Vishal Lawale as Lead Plaintiff and Approving Robbins Gellar Rudman & Dowd LLP and Levi & Korsinsky, LLP as Lead Counsel,” filed August 1, 2023 (hereinafter, “the Joint Stipulation”) (see Dkt. No. 60). Defendants Stem, Inc., John Carrington, William Bush, Michael C. Morgan, and Adam E. Daley (hereinafter, “the Stem Defendants”) have filed objections to the Joint Stipulation (see Dkt. No. 61), to which Thakkar and Lawale have replied (see Dkt. No. 62).

The matters came on regularly for hearing on August 18, 2023. Michael Albert and Willow E. Radcliffe of Robbins Gellar Rudman & Dowd LLP (“Robbins Gellar”) appeared on behalf of Thakkar and Adam Marc Apton of Levi & Korsinsky, LLP (“Levi &

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1 Korsinsky”) appeared on behalf of Lawale. Boris Feldman of Freshfields Bruckhaus
2 Deringer US LLP appeared on behalf of the Stem Defendants.¹

3 The Court, having considered the parties’ respective written submissions and
4 arguments of counsel at the hearing, and having in mind the differing claims made, as
5 well as the multiplicity of named defendants and law firms representing those defendants,
6 finds it appropriate to appoint both Thakkar and Lawale to serve jointly as Lead Plaintiff.

7 Accordingly, the Joint Stipulation is hereby APPROVED as follows:

- 8 1. Thakkar and Lawale are hereby APPOINTED as co-Lead Plaintiffs to represent
9 the interests of the putative class.
- 10 2. Robbins Gellar and Levi & Korsinsky are hereby APPOINTED as co-Lead
11 Counsel for the Consolidated Action.
- 12 3. As co-Lead Counsel, Robbins Gellar and Levi & Korsinsky shall be generally
13 responsible for the overall conduct of the litigation on behalf of the putative
14 class and shall have sole authority to do the following:
 - 15 a. coordinate the briefing and argument of any and all motions;
 - 16 b. coordinate the conduct of any and all discovery proceedings;
 - 17 c. coordinate the examination of any and all witnesses in deposition;
 - 18 d. coordinate the selection of counsel to act as spokesperson at all pretrial
19 conferences;
 - 20 e. call meetings of the plaintiffs’ counsel as they deem necessary and
21 appropriate from time to time;
 - 22 f. coordinate all settlement negotiations with counsel for defendants;
 - 23 g. coordinate and direct the pretrial discovery proceedings and the preparation
24 for trial and the trial of this matter and to delegate work responsibilities to
25

26 ¹ With regard to consolidation, the Court, at the hearing, granted the motions and
27 approved the stipulation to consolidate the above-titled action with Case No. 23-cv-3424-
28 MMC (hereinafter, “the Consolidated Action”), and directed the parties to meet and
confer, and to submit to the Court by August 28, 2023, a proposed form of order.


- 1 selected counsel as may be required;
- 2 h. coordinate the preparation and filing of all pleadings;
- 3 i. supervise all other matters concerning the prosecution or resolution of the
- 4 action; and
- 5 j. make every effort to ensure that unnecessary expenditures of time and
- 6 funds are avoided.

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8 **IT IS SO ORDERED.**

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10 Dated: August 22, 2023


MAXINE M. CHESNEY
United States District Judge

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United States District Court
Northern District of California