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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14
15 ELISSA M. ROBERTS, Individually and on
Behalf of All Others Similarly Situated,

16 Plaintiff,

17 vs.

18 BLOOM ENERGY CORPORATION, et al.,
19 Defendants.
20

Case No. 4:19-cv-02935-HSG

**JOINT STIPULATION AND ORDER
RE: FINAL FAIRNESS HEARING (as
modified)**

Hon. Haywood S. Gilliam, Jr.

1 Lead Plaintiff James Everett Hunt, additional plaintiffs Juan Rodriguez, Kurt Voutaz, Joel
2 White, Andrew Austin, and Ryan Fishman (“Plaintiffs”) and Defendants Bloom Energy Corporation
3 and the Individual Defendants (the “Bloom Defendants”) and Defendants J.P. Morgan Securities LLC,
4 Morgan Stanley & Co. LLC, Credit Suisse Securities (USA) LLC, KeyBanc Capital Markets Inc.,
5 Merrill Lynch, Pierce, Fenner & Smith Incorporated, Cowen and Company, LLC, HSBC Securities
6 (USA) Inc., Oppenheimer & Co. Inc., Raymond James & Associates, Inc., and Robert W. Baird & Co.
7 Incorporated, by and through their undersigned counsel, hereby stipulate as follows:

8 **WHEREAS**, on January 22, 2024, the Court entered an Order Modifying the Final Fairness
9 and Motion Hearing Date. (Dkt. No. 250);

10 **WHEREAS**, pursuant to the Order, the Court advised the parties that the final fairness hearing
11 currently set for April 18, 2024, will either need to be advanced one week to April 11, 2024, or
12 continued two weeks to May 2, 2024. (Dkt. No. 250);

13 **WHEREAS**, the Court directed the parties to meet and confer and, via a joint e-filing, notify
14 the Court by January 29, 2024 as to: (1) which of the two hearing dates they prefer; and (2) the
15 proposed mechanism for notifying the class of the changed hearing date. (Dkt. No. 250);

16 **WHEREAS**, the parties have met and conferred and have identified May 2, 2024 as the
17 preferable hearing date.

18 **WHEREAS**, the parties have met and conferred and determined the following actions shall be
19 taken to notify the Class.

- 20 1. Update to the settlement website www.bloomenergysettlement.com.
- 21 2. Update all Notice documents, including all future mailings and the Notice on the
22 settlement website.
- 23 3. Update the responses provided by the Call Center to advise of the new date.
- 24 4. Two press releases to be published by Lead Counsel on GlobeNewswire substantially
25 in the form attached hereto. The first press release will be issued within two weeks of
26 the Court’s approval of this Stipulation. The second press release will be issued on
27 April 11, 2024, seven days before the date the previous hearing was scheduled.
- 28 5. Direct notification to any objectors that the hearing date has changed to May 2, 2024

1 via postcard notice.

2 **NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, pursuant to
3 the Court's January 22, 2024 Order (Dkt. 250), by and through their undersigned counsel that:

- 4 1. The final fairness hearing currently set for April 18, 2024 is hereby continued two
5 weeks to May 2, 2024;
- 6 2. Plaintiffs and/or the claims administrator shall update the final fairness hearing on the
7 website, www.bloomenergysettlement.com.
- 8 3. Plaintiffs and/or the claims administrator shall update all Notice documents, including
9 all future mailings and the Notice on the website.
- 10 4. Plaintiffs and/or the claims administrator shall update responses provided by the Call
11 Center to advise of the new date.
- 12 5. Plaintiffs' Counsel shall issue two press releases to be published on GlobeNewswire
13 substantially in the form attached hereto. The first press release will be issued within
14 two weeks of the Court's approval of this Stipulation. The second press release will be
15 issued on April 11, 2024.
- 16 6. Plaintiffs and/or the claims administrator shall directly notify any objectors that the
17 hearing date has changed to May 2, 2024 via postcard notice.

18
19 Respectfully submitted,

20
21 Dated: January 29, 2024

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22 By: /s/ Matthew P. Henry

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Attorneys for the Bloom Defendants

Dated: January 29, 2024

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Dated: January 29, 2024

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Additional Counsel for Plaintiffs and the Class

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CIVIL L.R. 5-1(i)(3) ATTESTATION


I, Adam C. McCall, am the ECF user whose ID and password are being used to file this **JOINT STIPULATION AND [PROPOSED] ORDER RE: FINAL FAIRNESS HEARING**. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that counsel for all parties have concurred in this filing.

Dated: January 29, 2024

By: /s/ Adam C. McCall
Adam C. McCall

PURSUANT TO STIPULATION, IT IS SO ORDERED. Any motion for attorneys' fees and costs should also be noticed for hearing on 5/2/2024 at 2 p.m. to be held along with the fairness hearing

Date: 1/30/2024


Honorable Haywood S. Gilliam, Jr.
United States District Court Judge