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Lead Counsel for Lead Plaintiff Boston Retirement System

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOSTON RETIREMENT SYSTEM,
Individually and On Behalf Of All Others
Similarly Situated,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., et al.,

Defendants.

Case No. 3:19-cv-06361-RS

**STIPULATION AND
CONSOLIDATION ORDER**

DAVID MESSINGER, GERALD
ASHFORD,
IRVING S. AND JUDITH BRAUN, ELLIE
MARIE TORONTO ESA, VARGHESE
PALLATHU, JOSEPH CIANCI, and
JOHNNY RAMEY, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC., et al.,

Defendants.

Case No. 3:20-cv-08610-RS

Pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 16(d), Civil Local Rule (“Civil L.R.”) 23-1(b), and Manual for Complex Litigation, Fourth §§ 11.12, 11.21 and 31 (2004), the parties stipulate, and the Court hereby orders, as follows:

WHEREAS, on October 4, 2019, Benjamin Stirratt filed a complaint alleging violations of the federal securities laws against Uber Technologies, Inc. (“Uber”), certain of its current and former directors and officers, and the investment banks that served as underwriters for Uber’s initial public offering;

WHEREAS, pursuant to a January 3, 2020 Court order, the Court appointed Boston Retirement System as Lead Plaintiff and Labaton Sucharow LLP as Lead Counsel for the case, now captioned *Boston Retirement System v. Uber Technologies, Inc.*, No. 3:19-cv-06361-RS (“*Boston Retirement System Action*”);

WHEREAS, pursuant to an August 7, 2020 Court order, the Court denied Defendants’ motion to dismiss the operative complaint in the *Boston Retirement System Action*;

WHEREAS, pursuant to a November 30, 2020 Court order, Levi & Korsinsky, LLP was appointed Liaison Counsel for Lead Plaintiff in the *Boston Retirement System Action*;

WHEREAS, on December 5, 2020, plaintiffs David Messinger, Gerald Ashford, Irving S. and Judith Braun, Ellie Marie Toronto ESA, Varghese Pallathu, Joseph Cianci, and Johnny Ramey filed a complaint alleging violations of the federal securities laws against the same defendants, in the action captioned *Messinger et al v. Uber Technologies, Inc.*, No. 3:20-cv-08610-WHA (“*Messinger Action*”), which action has since been deemed related to the *Boston Retirement System Action* and assigned to this Court; and

WHEREAS, the parties believe the *Boston Retirement* and *Messinger* Actions should be consolidated because: (1) they are both purported class actions asserting the same causes of action under §§11, 12(a)(2) and 15 of the Securities Act of 1933, against the same Defendants, and arising from the same circumstances; and (2) it would be unduly burdensome, involve unwarranted duplication of effort and expense, and give rise to the prospect of inconsistent or conflicting results if the Actions were heard by different Judges.

IT IS ORDERED, in accord with the Parties' stipulation and agreement as reflected herein, that these matters are related cases within the meaning of Civil L.R. 3-12. Pursuant to Fed. R. Civ. P. 42(a), the *Messinger* Action (No. 3:20-cv-08610-RS) is consolidated into the *Boston Retirement System* Action (No. 3:19-cv-06361-RS) for all purposes before this Court.

IT IS FURTHER ORDERED that Boston Retirement System shall continue as the Lead Plaintiff in the consolidated action.

IT IS FURTHER ORDERED that Labaton Sucharow LLP shall continue to serve as the Lead Counsel. Lead Counsel shall have the discretion to coordinate activities and dissemination of work to counsel of record in the *Messinger* Action for the benefit of the Class and in keeping with its obligations and continuing role as Lead Counsel.

IT IS FURTHER ORDERED that Defendants are not required to respond to the complaint in the *Messinger* Action because the operative complaint for purposes of this consolidation shall be the amended complaint filed in the *Boston Retirement System* Action (Docket No. 80), while reserving all rights and defenses that Defendants may have with respect to the *Messinger* Action.

DATED: January 21, 2021

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 25, 2021


United States District Judge

ECF ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the other signatories thereto.

Executed this 21st day of January, 2021, in New York, New York.

/s/ Alfred L. Fatale III
Alfred L. Fatale III