

Jonathan Gardner (admitted *pro hac vice*)
Alfred L. Fatale III (admitted *pro hac vice*)
Joseph N. Cotilletta (admitted *pro hac vice*)
Marco A. Dueñas (admitted *pro hac vice*)
LABATON SUCHAROW LLP
140 Broadway
New York, New York 10005
Telephone: (212) 907-0700
Facsimile: (212) 818-0477
Email: jgardner@labaton.com
afatale@labaton.com
jcotilletta@labaton.com
mduenas@labaton.com

Lead Counsel for Lead Plaintiff Boston Retirement System

[Additional Counsel on Signature Page]

**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

1 Pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 16(d), Civil Local Rule
2 (“Civil L.R.”) 23-1(b), and Manual for Complex Litigation, Fourth §§ 11.12, 11.21 and 31
3 (2004), the parties stipulate, and the Court hereby orders, as follows:

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

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

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

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

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

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

28

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

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

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

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

15 DATED: January 21, 2021

16 **SCOTT+SCOTT**
17 **ATTORNEYS AT LAW LLP**

18 /s/ John T. Jasnoch
19 JOHN T. JASNOCH (CA 281605)
20 600 W. Broadway, Suite 3300
21 San Diego, CA 92101
22 Telephone: 619/233-4565
23 619/233-0508 (fax)
24 jjasnoch@scott-scott.com

25 *Attorneys for Plaintiff David Messinger*

16 **LABATON SUCHAROW LLP**

17 /s/ Alfred. L. Fatale III
18 JONATHAN GARDNER
19 ALFRED L. FATALE III
20 JOSEPH N. COTILLETTA
21 MARCO A. DUEÑAS
22 140 Broadway
23 New York, New York 10005
24 Telephone: 212/554-1400
25 212/544-1444
26 jgardner@labaton.com
27 afatale@labaton.com
28 jcotilletta@labaton.com
mduenas@labaton.com

*Lead Counsel for Lead Plaintiff
Boston Retirement System*

26 **SHEARMAN & STERLING LLP**

27 /s/ Daniel H.R. Laguardia
28 Patrick D. Robbins
Daniel H.R. Laguardia

26 **WILLKIE FARR & GALLAGHER
27 LLP**

28 /s/ Todd G. Cosenza
Todd G. Cosenza

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Emily V. Griffen
George B. Adams, III
535 Mission Street
San Francisco, CA 94105
probbins@shearman.com
daniel.laguardia@shearman.com
egriffen@shearman.com
george.adams@shearman.com

Attorneys for Defendants Uber Technologies, Inc., Dara Khosrowshahi, Nelson Chai, Glen Ceremony, Ronald Sugar, Ursula Burns, Garrett Camp, Matt Cohler, Ryan Graves, Arianna Huffington, Travis Kalanick, Wan Ling Martello, H.E. Yasir Al-Rumayyan, John Thain, and David Trujillo

787 Seventh Avenue
New York, NY 10019-6099
Telephone: (212) 728-8677
Facsimile: (212) 728-9677
tcosenza@willkie.com

Attorneys for Defendants Morgan Stanley & Co. LLC, Goldman Sachs & Co. LLC, Merrill Lynch, Pierce, Fenner & Smith Incorporated, Barclays Capital Inc., Citigroup Global Markets Inc., Allen & Company LLC, RBC Capital Markets, LLC, SunTrust Robinson Humphrey, Inc. (f/k/a Truist Securities, Inc.), Deutsche Bank Securities Inc., HSBC Securities (USA) Inc., SMBC Nikko Securities America, Inc., Mizuho Securities USA LLC, Needham & Company, LLC, Loop Capital Markets LLC, Siebert Cisneros Shank & Co., L.L.C., Academy Securities, Inc., BTIG, LLC, Canaccord Genuity LLC, CastleOak Securities, L.P., Cowen and Company, LLC, Evercore Group L.L.C., JMP Securities LLC, Macquarie Capital (USA) Inc., Mischler Financial Group, Inc., Oppenheimer & Co. Inc., Raymond James & Associates, Inc., William Blair & Company, L.L.C., The Williams Capital Group, L.P., and TPG Capital BD, LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: January 25, 2021


United States District Judge

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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