

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
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 3:20-cv-02897-MMC

CLASS ACTION

CITY OF ROSEVILLE EMPLOYEES’
RETIREMENT SYSTEM, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

ALIGN TECHNOLOGY, INC., JOSEPH M.
HOGAN and JOHN F. MORICI,

Defendants.

**~~PROPOSED~~ ORDER GRANTING THE
MOTION OF MACOMB COUNTY
EMPLOYEES’ RETIREMENT SYSTEM
FOR APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF ITS
SELECTION OF LEAD COUNSEL**

1 Upon consideration of: (1) the Motion of Macomb County Employees' Retirement System
2 ("Macomb County") for appointment as Lead Plaintiff and approval of its selection of Lead Counsel;
3 (2) the Memorandum of Points and Authorities in support thereof; (3) the Declaration of Peter E.
4 Borkon and its attached exhibits submitted therewith; and (4) all other pleadings and argument
5 submitted to this Court,¹ the Court deems the matter appropriate for determination on the written
6 submissions, VACATES the hearing scheduled for June 5, 2020, and for good cause shown,

7 **IT IS HEREBY ORDERED THAT:**

8 1. The Motion is **GRANTED**. Macomb County is **APPOINTED** to serve as Lead
9 Plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-
10 4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned
11 action and all related actions consolidated in accordance with paragraph four of this Order. Macomb
12 County has fulfilled the PSLRA's procedural requirements, has the largest financial interest in the relief
13 sought by the class, and has made the requisite showing of typicality and adequacy under Rule 23 of
14 the Federal Rules of Civil Procedure. *See Krieger v. Atheros Commc'ns, Inc.*, No 11-CV-00640-LHK,
15 2011 WL 6153154, at *3 (N.D. Cal. Dec. 12, 2011).

16 2. Macomb County's selection of Lead Counsel is **APPROVED**, and Bleichmar Fonti &
17 Auld LLP is **APPOINTED** as Lead Counsel for the Class. *See Cohen v. United States Dist. Ct. for N.*
18 *Dist. of Cal.*, 586 F.3d 703, 712 (9th Cir. 2009).

19 3. As lead counsel, Bleichmar Fonti & Auld LLP shall be generally responsible for the
20 overall conduct of the litigation on behalf of the putative class and shall have sole authority to do the
21 following:

- 22 a. Determine and present to the Court and opposing parties the position of
23 the lead plaintiff and putative class members on all matters arising during pretrial proceedings;
24
25

26 _____
27 ¹ Initially, four other movants sought appointment as lead plaintiff in the above-titled action.
28 Thereafter, three of those movants filed notices of non-opposition to the motion filed by Macomb
County, and the fourth movant withdrew its motion.

1 b. Enter into stipulations with opposing counsel as necessary for the conduct of the
2 litigation;

3 c. Coordinate the initiation and conduct of discovery on behalf of the lead plaintiff and
4 putative class members consistent with the requirements of the Federal Rules of Civil
5 Procedure;

6 d. Hire expert witnesses and consultants on behalf of the lead plaintiff and putative
7 class members, as needed to prepare for class certification or trial, and advance other costs that
8 may be reasonable and necessary to the conduct of the litigation;

9 e. Conduct settlement negotiations on behalf of the lead plaintiff and putative class
10 members, and, if appropriate, to enter into a settlement that is fair, reasonable, and adequate on
11 behalf of the putative class members;

12 f. Monitor its activities to ensure that schedules are met and unnecessary expenditures
13 of time and funds are avoided; and

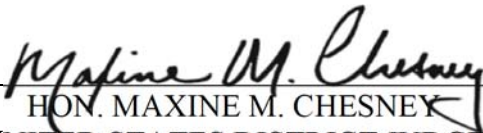
14 g. Perform such other duties as may be incidental to the proper prosecution and
15 coordination of pretrial and trial-related activities on behalf of the lead plaintiff and putative
16 class members or authorized by further order of this Court.

17 4. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, any subsequently filed,
18 removed, or transferred securities class actions that are related to the claims asserted in the above-
19 captioned action are **CONSOLIDATED** for all purposes.

20 5. The consolidated action shall be captioned "*In re Align Technology, Inc. Securities*
21 *Litigation*" and the file shall be maintained under Master File No. 3:20-cv-02897-MMC.

22
23 **IT IS SO ORDERED.**

24 Dated: May 20, 2020

25
26 
27 HON. MAXINE M. CHESNEY
28 UNITED STATES DISTRICT JUDGE