UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IJAN FRANCISCO NIEVES as trustee of the

JUAN FRANCISCO NIEVES, as trustee of the : Gonzalez Coronado Trust, Individually and on behalf of all : others similarly situated, :

Plaintiff,

1:16-cv-3591-GHW

ORDER

ELECTRONICALLY FILED

DATE FILED: 06/07/2016

USDC SDNY DOCUMENT

DOC #:

-v-

PERFORMANCE SPORTS GROUP, LTD., KEVIN DAVIS, MARK VENDETTI, and AMIR ROSENTHAL,

Defendants. : X

GREGORY H. WOODS, United States District Judge:

Having considered the papers filed in support of the Motion of Plumbers & Pipefitters National Pension Fund ("Plumbers & Pipefitters" or "Movant") for Appointment as Lead Plaintiff and Appointment of Lead Counsel, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the "Exchange Act"), as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), at 15 U.S.C. § 78u-4, and for good cause shown, the Court hereby enters the following Order.

- 1. Plumbers & Pipefitters has moved the Court to be appointed Lead Plaintiff in this class action and to approve the counsel retained to be Lead Counsel.
- 2. Having considered the provisions of Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), the Court hereby determines that Plumbers & Pipefitters is the most adequate plaintiff and satisfies the requirements of the PSLRA. The Court hereby appoints Plumbers & Pipefitters as Lead Plaintiff to represent the interests of the class in this Action.
- 3. Pursuant to Section 21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B)(v), Plumbers & Pipefitters has selected and retained the law firm of Cohen Milstein Sellers

& Toll PLLC to serve as Lead Counsel. The Court approves Movant's selection of Lead Counsel for this Action.

- 4. Lead Counsel shall have the following responsibilities and duties:
 - a. the briefing and argument of any and all motions;
 - b. the conduct of any and all discovery proceedings;
 - c. the examination of any and all witnesses in depositions;
 - d. the selection of counsel to act as spokesperson at all pretrial conferences;
- e. the organization of meetings of plaintiffs' counsel as they deem necessary and appropriate from time to time;
 - f. settlement negotiations with counsel for defendants;
- g. the pretrial discovery proceedings and the preparation for trial and the trial of this matter, and delegation of work responsibilities to selected counsel as may be required;
 - h. the preparation and filing of all pleadings; and
- i. the supervision of all other matters concerning the prosecution or resolution of the Action.
- 5. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Lead Counsel.
- 6. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices.
- 7. Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel, as well as the spokespersons for all plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel. Lead Counsel shall be the contact between the Court and plaintiffs and their counsel.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 6, 8.

Movant is directed to serve a copy of this order on the defendants and to retain proof of service.

SO ORDERED.

Dated: June 7, 2016 New York, New York

GREGORYH. WOODS United States District Judge