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Liaison Counsel for Lead Plaintiff Maurice A.

Rendon and Liaison Counsel for the Class

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JAMES WAKEFIELD, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ESS TECH INC., ERIC P. DRESSELHUYS,
and AMIR MOFTAKHAR,

Defendants.

Case No. 3:23-cv-00050-JR (Lead Case)

**UNOPPOSED JOINT MOTION RE
DISMISSAL**

MICHAEL BUDUKIEWICZ, Individually
and on behalf of all others similarly situated,

Plaintiff,

v.

ESS TECH INC., ERIC P. DRESSELHUYS,
and AMIR MOFTAKHAR,

Defendants.

Case No. 3:23-cv-00234-JR (Trailing Case)

Lead Plaintiff Maurice A Rendon and Defendants ESS Tech Inc., Eric P. Dresselhuys, and Amir Moftakhar (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows and jointly request that the Court enter the below Order approving this unopposed Motion:

WHEREAS, on January 12, 2023, plaintiff James Wakefield filed the first above-captioned securities fraud class action asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b) and 78t(a), and SEC Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5 (Dkt. No. 1);

WHEREAS, on February 15, 2023, plaintiff Michael Budukiewicz filed the second above-captioned securities fraud class action alleging substantially similar claims;

WHEREAS, on April 24, 2023, the Court consolidated the above-captioned actions, appointed Maurice A. Rendon as Lead Plaintiff, and approved his selection of Glancy Prongay & Murray LLP as Lead Counsel and Black Helterline LLP as Liaison Counsel for the putative class, and ordered that Lead Plaintiff and Defendants “meet and confer regarding a schedule for the filing of a consolidated complaint or designation of an operative complaint, and a briefing schedule for Defendants’ anticipated motion to dismiss” (*see* Dkt. No. 26); and

WHEREAS, on May 8, 2023, the Parties submitted the Stipulated Motion for Order Setting a Schedule for the Filing of a Consolidated Complaint and Responsive Briefing (“Scheduling Motion”) setting forth proposed deadlines for the Lead Plaintiff to file an amended complaint and for the Parties’ anticipated motion to dismiss briefing thereon (Dkt. No. 27);

WHEREAS, the Court approved the Scheduling Motion on the same day (“Scheduling Order”) (Dkt. No. 28);

WHEREAS, the deadline to file Lead Plaintiff's consolidated complaint is June 30, 2023 pursuant to the Scheduling Order, but Lead Plaintiff has decided to voluntarily dismiss the above-captioned action pursuant to Federal Rule of Civil Procedure 41(a);

WHEREAS, the Parties have agreed that each party shall bear its own costs and attorneys' fees and that no party asserts that any of the Parties or their respective counsel have at any time failed to comply with Rule 11 of the Federal Rules of Civil Procedure; and

WHEREAS, the Parties have not exchanged monetary consideration or agreed to any terms other than what are set forth in this document in connection with this voluntary dismissal.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, and respectfully requested, by and among the undersigned counsel for the respective Parties, subject to approval of the Court, that:

1. The above-captioned action is dismissed; and
2. The Parties shall each bear their own costs and attorneys' fees.

DATED this 26th day of June 2023.

BLACK HELTERLINE LLP

By: s/ Michael B. Merchant

Michael B. Merchant, OSB No. 882680

Matthew D. Colley, OSB No. 125084

(503) 224-5560

*Liaison Counsel for Lead Plaintiff Maurice A.
Rendon and Liaison Counsel for the Class*

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that by doing so I served the foregoing on all parties in the record of the subject case via CM/ECF system transmission.

DATED this 26th day of June 2023.

BLACK HELTERLINE LLP

By: _____ s/ Michael B. Merchant
Michael B. Merchant
OSB No. 882680
(503) 224-5560

*Liaison Counsel for Lead Plaintiff Maurice
A. Rendon and Liaison Counsel for the
Class*