UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE SYNCHRONOSS TECHNOLOGIES, INC. SECURITIES LITIGATION Civil Action No. 17-2978 (FLW) (LHG)

ORDER

THIS DOCUMENT RELATES TO:

ALL ACTIONS

THIS MATTER having been opened to the Court by Harvey Bartle, IV, Esq., counsel for defendants Synchronoss Technologies, Inc. ("Synchronoss"), Karen L. Rosenberger ("Rosenberger"), and Stephen G. Waldis ("Waldis") (collectively "Defendants"), on a Motion to Dismiss the Second Amended Complaint, brought pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6); it appearing that Lead Plaintiff the Employees Retirement System of the State of Hawaii ("Plaintiff"), through its counsel, James E. Cecchi, Esq., opposes the motion; the Court having considered the submissions of the parties without oral argument, pursuant to Fed. R. Civ. P. 78; for the reasons set forth in the Opinion filed herewith, and for good cause shown,

IT IS on this 29th day of May, 2020,

ORDERED that Defendants' Motion to Dismiss (ECF No. 84) is **DENIED IN PART** and **GRANTED IN PART**, and it is further

ORDERED that Plaintiff's Section 10(b) and Rule10b-5 and Section 20(a) claims are limited to the claim against Rosenberger stemming from the Company's alleged improper recognition of revenue without first obtaining signed contracts, and it is further

ORDERED that Plaintiff's claims based upon Defendants' alleged manipulation of expenses and alleged improper accounting for acquisitions and divestures are DISMISSED WITHOUT PREJUDICE; and it is further

ORDERED that Plaintiff's claims based on Defendants' forward-looking statements are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that all claims against defendant Waldis are DISMISSED WITHOUT PREJUDICE.

<u>/s/ Freda L. Wolfson</u> Freda L. Wolfson U.S. Chief District Judge