

January 31, 2023

Via CM/ECF

The Honorable Charles J. Siragusa  
United States District Judge  
100 State Street, Room 127  
Rochester, NY 14614

Re: *In re Hyzon Motors Inc. Securities Litigation*,  
No. 6:21-cv-06612-CJS-MWP (W.D.N.Y.)

Dear Judge Siragusa:

Pursuant to the Court's November 14, 2022 Order (ECF No. 59), we write jointly on behalf of lead plaintiff Alfred Miller ("Lead Plaintiff"), and defendants Hyzon Motors Inc. ("Hyzon"), Erik Anderson, Peter Haskopoulos, Craig Knight, Mark Gordon, George Gu and Robert Tichio (collectively, "Defendants"), to submit this update regarding the status of this putative securities class action filed by Hyzon shareholders.

In accordance with a stipulated schedule (ECF No. 54), Lead Plaintiff filed the second amended complaint ("SAC") in this action on September 16, 2022 (ECF No. 55). On November 4, 2023, the parties submitted a joint motion to stay the briefing schedule regarding Defendants' anticipated motion to dismiss the SAC to allow the parties to explore whether the asserted claims can be resolved through mediation, without requiring further Court intervention. (ECF No. 58.) On November 14, 2022, the Court granted the parties' motion, stayed the briefing schedule and required the parties submit this status update by January 31, 2023. (ECF No. 59.)

The parties continue to explore a potential resolution of the asserted claims, and have agreed to participate in mediation with Jed D. Melnick, which is expected to take place on March 30, 2023 via videoconference. In connection with coordination regarding the framework of the mediation, the parties also have had discussions with additional stakeholders, including plaintiffs in certain related derivative actions and insurance providers.

To allow the parties to complete the scheduled mediation and continue to explore a potential resolution, the parties propose that, no later than April 30, 2023, they will submit a joint status report updating the Court on the status of any potential resolution. If the parties are unable to reach a resolution, they propose submitting an amended proposed scheduling order to the Court by May 14, 2023.

The parties are available at the Court's convenience should it have any questions or require any further information. Thank you for your consideration.

Respectfully submitted,

/s/ Steve W. Berman

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