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13 **UNITED STATES DISTRICT COURT**
 14 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

15 MORGAN STANLEY & CO.,) Case No.: 1:15-CV-01291-LJO-JLT
16 INCORPORATED and MORGAN)
17 STANLEY SMITH BARNEY, LLC,)
18 Plaintiffs,) ORDER AND STIPULATION REGARDING
19 v.) PLAINTIFFS’ APPLICATION FOR ORDER
20 DAVID COUCH,) SHORTENING TIME AND BRIEFING
21 Defendant.) SCHEDULE FOR PLAINTIFFS’ MOTION FOR
) PRELIMINARY INJUNCTION AGAINST
) PROCEEDING IN FINRA ARBITRATION
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1 **WHEREAS**, on September 2, 2015, Plaintiffs Morgan Stanley & Co., Incorporated and
2 Morgan Stanley Smith Barney, LLC (collectively, “Morgan Stanley”) filed Morgan Stanley’s
3 Motion for a Preliminary Injunction against Proceeding in FINRA Arbitration;

4 **WHEREAS**, on September 2, 2015, Morgan Stanley filed an *Ex Parte* Application for an
5 Order Shortening Time on Morgan Stanley’s Motion for a Preliminary Injunction against Proceeding
6 in FINRA Arbitration;

7 **WHEREAS**, the original deadline of September 14, 2015 for Morgan Stanley to respond to
8 Defendant’s original Statement of Claim before FINRA is now moot due to Defendant’s filing of an
9 Amended Statement of Claim with FINRA on September 4, 2015. The parties agree that pursuant to
10 FINRA Rule 12207, Morgan Stanley’s answer to the Amended Statement of Claim is due on
11 October 5, 2015.

12 **WHEREAS**, the parties have met and conferred and agreed upon the following modified
13 briefing schedule:

- 14 • Defendant David Couch will file his Opposition to Morgan Stanley’s Motion for
15 Preliminary Injunction on September 16, 2015 and;
- 16 • Morgan Stanley will file its Reply in support of its Motion for Preliminary
17 Injunction on September 23, 2015.

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1 **WHEREAS**, the parties have further agreed that in the event this Court has not ruled on
2 Morgan Stanley's Motion for Preliminary Injunction before the close of business on October 2,
3 2015, the parties shall meet and confer regarding extending Morgan Stanley's deadline to respond to
4 the Amended Statement of Claim.

5 **IT IS SO STIPULATED**

6 DATED: September 9, 2015

8 By: /s/ Deborah A. Klar (authorized on 9/9/15)
9 Deborah A. Klar
10 Attorneys for Defendant

11 DATED: September 9, 2015

13 By: /s/ Blake R. Bertagna
14 Blake R. Bertagna
15 Attorneys for Plaintiffs

16 **ORDER**

17 The above stipulation is approved.

18 **IT IS SO ORDERED**
19 **Dated: September 9, 2015**

20 /s/ Lawrence J. O'Neill
21 **United States District Judge**