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APR 12 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **SACRAMENTO**

11 SECURITIES AND EXCHANGE
COMMISSION,

12 *Plaintiff*

13 v.

14 ANTHONY VASSALLO, et al,

15 *Defendants.*

Case No. CV 09-000665 LKK-DAD

**STIPULATION AND ORDER TAKING
EVIDENTIARY HEARING ON
RECEIVER'S MOTION TO ORDER
DISGORGEMENT OF FUNDS OFF
CALENDAR**

Date: April 12, 13, 2010
Time: 9:00 a.m.
Location: Courtroom 24, 8th Floor
Judge: Hon. Dale A. Drozd

Securities and Exchange Commission v. Vassallo et al

Doc. 249

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19 **RECITALS**

20 Pursuant to orders dated April 30, 2009 and July 31, 2009, the Court appointed Stephen
21 E. Anderson ("Receiver") as Receiver over Defendant Equity Investment Management Trading,
22 Inc. ("EIMT").

23 On November 6, 2009, Receiver brought a motion to order disgorgement of funds from
24 Arcanum Equity Fund, LLC, Vestium Equity Fund, LLC and Vestium Management Group, LLC.
25 The matter is currently scheduled for an evidentiary hearing before this Court at 9:00 a.m. on
26 April 12 and 13, 2010 ("Evidentiary Hearing").

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1 On April 9, 2010, Arcanum Equity Fund, LLC and Vestium Management Group, LLC
2 filed for bankruptcy in the United States Bankruptcy Court, District of Nevada.

3 Vestium Equity Fund, LLC also intends to file for bankruptcy and may do so as soon as
4 April 12, 2010.

5 **STIPULATION**

6 NOW, THEREFORE, Receiver, through his counsel of record, and the Vestium Equity
7 Fund, LLC, through its counsel of record (“Parties”), HEREBY STIPULATE AND AGREE AS
8 FOLLOWS:

9 1. The Evidentiary Hearing shall be removed from the Court’s calendar pending the
10 bankruptcy filing of Vestium Equity Fund, LLC.

11 2. If Vestium Equity Fund, LLC does not file for bankruptcy within ten (10) days of
12 the date of this stipulation, the Parties will meet and confer to schedule a new date for the
13 evidentiary hearing on Receiver’s motion to order disgorgement of funds against Vestium Equity
14 Fund, LLC.

15 3. The Parties shall keep the Court regularly apprised of the status of this matter,
16 including, but not limited to the bankruptcy filing of the Vestium Equity Fund, LLC.

17 **IT IS SO STIPULATED AND AGREED.**

18 Dated: April 9, 2010

FUTTERMAN DUPREE DODD CROLEY
MAIER LLP

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20 By: /s/ Jamie L. Dupree
21 Jamie L. Dupree
Attorneys for Receiver Stephen E. Anderson

22 Dated: April 9, 2010

LAW OFFICE OF C. DEAN HOMAYOUNI, ESQ.

23
24 By: /s/ C. Dean Homayouni
25 C. Dean Homayouni
Attorneys for Vestium Equity Fund, LLC

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ORDER

Having reviewed the parties' Stipulation and Proposed Order Taking the Evidentiary Hearing Off Calendar, and for good cause shown,

THE COURT FINDS AND ORDERS:

1. The Evidentiary Hearing set for April 12 and 13, 2010, is dropped from the Court's calendar.
2. The Parties shall keep the Court regularly apprised of the status of this matter.

IT IS SO ORDERED.

Dated: April 12, 2010

By: *Dale A. Drozd*
DALE A. DROZD
United States Magistrate Judge

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