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 13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA
 15 SACRAMENTO DIVISION

16 SECURITIES AND EXCHANGE COMMISSION,

17 Plaintiff,

18 v.

19 DAVID A. SOUZA and D.A. SOUZA
 20 INVESTMENTS, LLC,

21 Defendants.

Case No. 2:09-CV-02421 FCD KJM

**FIFTH STIPULATION AND ORDER
 FOR EXTENSION OF TIME TO
 ANSWER OR OTHERWISE
 RESPOND TO COMPLAINT**

22 This stipulation between plaintiff Securities and Exchange Commission (“Commission”) and defendants David A. Souza and D.A. Souza Investments, LLC (collectively, “Defendants”), through their respective counsel, is based upon the following facts:

- 23 1. On September 18, 2009, the parties entered into a Stipulation granting Defendants
- 24 two weeks’ additional time, to and including October 5, 2009, to answer or
- 25 otherwise respond to the complaint in this action served on Defendants on
- 26 August 30, 2009;
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2. In order to explore settlement of this action, the parties entered into a Second Stipulation extending the time for Defendants' response to and including October 13, 2009;
3. To allow settlement negotiations to continue, the parties entered into a Third Stipulation extending the time for Defendants' response to and including October 19, 2009 and a Fourth Stipulation extending the time for Defendants' response to and including October 26, 2009;
4. To allow settlement negotiations to continue further, Defendants have again requested additional time, to and including November 2, 2009, to respond to the complaint, to which the Commission has agreed.
5. Inasmuch as the complaint was served on defendants on August 30, 2009, the parties calculate that, pursuant to the Court's Order Requiring Joint Status Report, the deadline for filing their Joint Status Report in this action is Thursday, October 29, 2009. In view of the progress of settlement discussions to date, the parties further agreed to request, and hereby do request, by means of this Stipulation, that the Court approve a two-week extension of the deadline for filing the Joint Status Report to and including November 12, 2009.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, subject to approval by the Court, that Defendants may have an additional week, to and including November 2, 2009, to answer or otherwise respond to the complaint in this action, and further

1 request that the Court approve a two-week extension of the deadline for filing the Joint Status
2 Report to and including November 12, 2009.

3
4 DATED: October 26, 2009

/s/ Roger Jaffe _____

Roger V. Jaffe

5 Attorney for Defendants DAVID A. SOUZA and
6 D.A. SOUZA INVESTMENTS, LLC

7 [Original signature retained by office of Judith L. Anderson, Attorney for Plaintiff]

8 DATED: October 26, 2009

/s/ Judith L. Anderson _____

Judith L. Anderson

9 Attorney for Plaintiff

10 SECURITIES AND EXCHANGE COMMISSION

11 **ORDER**

12 **FOR GOOD CAUSE SHOWN, THE COURT HEREBY ORDERS:**

13 (1) Defendants David Souza and D.A. Souza Investments, LLC shall have a further
14 extension of time, through and including **December 14, 2009**, to answer or otherwise respond to
15 the complaint; and

16 (2) The parties shall have an extension of time, through and including **December 14,**
17 **2009**, to file the Joint Status Report in this action.

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19 Dated: October 27, 2009



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21 FRANK C. DAMRELL, JR.

22 UNITED STATES DISTRICT JUDGE