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5 Attorneys for Specially Appearing Defendant  
STEVEN VESTBIRK

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 MVP ASSET MANAGEMENT (USA) LLC, a  
Delaware Limited Liability Company,

10 Plaintiff,

11 v.

12 STEVEN VESTBIRK, JEFF BALLIET,  
13 ALLISON HANSLIK, JIM GRANT, ARK  
ROYAL ASSET MANAGEMENT, LTD., a  
14 Bermuda Limited Company, VESTBIRK  
CAPITAL MANAGEMENT, LTD., a Bermuda  
15 Limited Company, ARK ROYAL ASSET  
MANAGEMENT, LLC, a Nevada Limited-  
16 Liability Company, ARK DISCOVERY, LLC, a  
Business Entity of Unknown Form, ARK  
17 ROYAL HOLDINGS, LLC, a Nevada Limited-  
Liability Company, ARK ROYAL SERVICES,  
18 LLC, a Nevada Limited-Liability Company,  
ARK ROYAL CAPITAL, LLC, a Nevada  
19 Limited-Liability Company, ARK ROYAL  
CAPITAL FUNDING, LLC, a Nevada Limited-  
20 Liability Company, ARK ROYAL CAPITAL,  
INC., a Nevada Corporation, ARK ROYAL  
21 RESOURCES LLC, a Nevada Limited-Liability  
Company, ARK ROYAL ASSURANCE LLC, a  
22 Nevada Limited-Liability Company, and ARK  
ROYAL INVESTMENTS, LLC, a Nevada  
23 Limited-Liability Company,

24 Defendants.

CASE NO. 2:10-cv-02483-GEB-CMK

**STIPULATION AND ORDER TO  
EXTEND TIME FOR DEFENDANT  
STEVEN VESTBIRK TO RESPOND  
TO SECOND AMENDED  
COMPLAINT**

25 Plaintiff MVP ASSET MANAGEMENT (USA) LLC ("Plaintiff" or "MVPAM") and  
26 specially appearing defendant Steven Vestbirk ("Vestbirk"), by and through their respective  
27 counsel of record, hereby stipulate as follows:  
28

1           1.       WHEREAS, pending before the Court are two motions to dismiss plaintiff  
2 MVPAM's Second Amended Complaint ("SAC"), which motions were filed by the other  
3 defendants<sup>1</sup> in this action. One of these motions was brought under Rule 12(b)(1) of the Federal  
4 Rules of Civil Procedure; the other was brought under Rules 12(b)(6) and 12(b)(2) of the  
5 Federal Rules of Civil Procedure;

6           2.       WHEREAS, those motions to dismiss are set for hearing on December 19, 2011;

7           3.       WHEREAS, the Plaintiff has filed a proof of service indicating service of foreign  
8 defendant Steven Vestbirk ("Vestbirk") with the SAC on or about November 18, 2011;

9           4.       WHEREAS, specially appearing defendant Vestbirk, through his counsel, has  
10 indicated to Plaintiff's counsel that he intends to respond to the SAC with a Rule 12(b) motion  
11 to dismiss challenging, *inter alia*, this Court's personal jurisdiction over him;

12           5.       WHEREAS, Plaintiff has agreed to extend Vestbirk's time to respond to the  
13 SAC;

14           6.       WHEREAS, counsel for Plaintiff and Vestbirk have consulted the Court's law  
15 and motion calendar and met and conferred on a briefing schedule for Vestbirk's anticipated  
16 motion to dismiss.

17           NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
18 the parties hereto, through their respective counsel, as follows:

19           1.       Specially Appearing Defendant Vestbirk is not making a general appearance  
20 through the filing of this Stipulation; Vestbirk shall file and serve his response to the SAC on or  
21 before February 6, 2012;

22           2.       Plaintiff shall file and serve its Opposition on February 20, 2012;

23           3.       Vestbirk shall file and serve his Reply on February 27, 2012; and

24 \_\_\_\_\_  
25 <sup>1</sup> The moving defendants on the two pending motions are JEFF BALLIET, ALLISON  
26 HANSLIK, ARK ROYAL ASSET MANAGEMENT, LTD.; VESTBIRK CAPITAL  
27 MANAGEMENT, LTD.; ARK ROYAL ASSET MANAGEMENT, LLC; ARK DISCOVERY,  
28 LLC; ARK ROYAL HOLDINGS, LLC; ARK ROYAL SERVICES, LLC; ARK ROYAL  
CAPITAL, LLC; ARK ROYAL CAPITAL FUNDING, LLC; ARK ROYAL CAPITAL, INC.;  
ARK ROYAL RESOURCES, LLC; ARK ROYAL ASSURANCE LLC; ARK ROYAL  
INVESTMENTS, LLC. Specially appearing defendant Vestbirk is not a moving party on those  
motions.

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4. The hearing on this motion shall be noticed for March 5, 2012.

IT IS SO STIPULATED.

DATED: December 13, 2011

SULLIVAN JOHNSON LLP

By: /s/ DANIEL A. JOHNSON (authorized 12/12/11)  
Daniel A. Johnson  
Attorney for Plaintiff

DATED: December 13, 2011

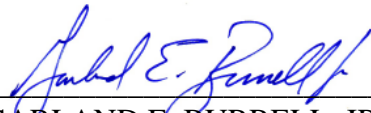
DLA PIPER LLP

By: /s/ TODD M. NOONAN  
Todd M. Noonan  
Attorney for Specially Appearing  
Defendant Steven Vestbirk

**ORDER**

IT IS SO ORDERED.

**Date: 12/13/2011**

  
GARLAND E. BURRELL, JR.  
United States District Judge