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13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15

16 MVP ASSET MANAGEMENT (USA) LLC, a
Delaware Limited Liability Company,
17
18 Plaintiff,
19
20 v.
21 STEVEN VESTBIRK, et al.,
22
23 Defendants.

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

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STATUS
(PRETRIAL SCHEDULING)
CONFERENCE**

Date: December 10, 2012
Time: 9:00 a.m.
Dept: Courtroom 10
Judge: Honorable Garland E. Burrell, Jr.

24 1. WHEREAS, on August 29, 2012 the Court issued an Order setting a Status
25 (Pretrial Scheduling) Conference for December 10, 2012;

26 2. WHEREAS, on July 23, 2012 Plaintiff filed its Fourth Amended Complaint in this
27 action which includes claims under the federal securities laws;
28

1 3. WHEREAS, certain Specially Appearing Defendants have filed motions to dismiss
2 the Fourth Amended Complaint on various grounds and said motions were taken under
3 submission by this Court on October 4, 2012;

4 4. WHEREAS, under PLSRA (15 U.S.C. § 78u-4(b)(3)) “all discovery and other
5 proceedings” in this matter are stayed pending resolution of Specially Appearing Defendants’
6 motions to dismiss;

7 5. WHEREAS, Plaintiff and Specially Appearing Defendants respectfully submit
8 that, in light of the PLSRA stay, the Court should defer consideration of all discovery and
9 litigation deadlines until the issues identified in the motions to dismiss have been addressed by
10 the Court, such that the case is either dismissed, or, alternatively, the pleadings resolved and the
11 case is at issue;

12 6. WHEREAS, Plaintiff and Specially Appearing Defendants respectfully submit
13 that, in light of the PLSRA stay, a continuance of the Status (Pretrial Scheduling) Conference by
14 approximately another ninety (90) days will conserve the resources of the parties and the Court
15 and promote judicial economy by allowing time for the Court to address the motions to dismiss;

16 NOW, THEREFORE, Plaintiff and Specially Appearing Defendants, by and through their
17 respective counsel of record, hereby stipulate as follows:

18 1. That the Status (Pretrial Scheduling) Conference, presently set for December 10,
19 2012 be continued approximately 90 days to a date on or about March 11, 2013.

20 IT IS SO STIPULATED.

21
22 Dated: November 26, 2012

SULLIVAN JOHNSON LLP

23
24 By /S/ Daniel A. Johnson (authorized 11/26/12)
25 DANIEL A. JOHNSON
26 Attorneys for Plaintiff
MVP ASSET MANAGEMENT (USA) LLC

1 Dated: November 26, 2012

DLA PIPER LLP (US)

2
3 By /s/ Todd M. Noonan

4 TODD M. NOONAN

Attorneys for Defendants

5 STEVEN VESTBIRK, JEFF BALLIET, ALLISON
HANSLIK, ARK ROYAL ASSET

6 MANAGEMENT, LTD.; VESTBIRK CAPITAL

MANAGEMENT, LTD.; ARK ROYAL ASSET

7 MANAGEMENT, LLC; ARK DISCOVERY, LLC;

ARK ROYAL HOLDINGS, LLC; ARK ROYAL

8 SERVICES, LLC; ARK ROYAL CAPITAL, LLC;

ARK ROYAL CAPITAL FUNDING, LLC; ARK

9 ROYAL CAPITAL, INC.; ARK ROYAL

RESOURCES, LLC; ARK ROYAL ASSURANCE

10 LLC; ARK ROYAL INVESTMENTS, LLC

11 **ORDER**

12 The Status (Pretrial Scheduling) Conference, presently set for December 10, 2012, is
13 continued to March 18, 2013, at 9:00 a.m. A joint status report shall be filed fourteen days prior
14 to the hearing.

15 IT IS SO ORDERED.

16 **Date: 11/26/2012**

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GARLAND E. BURRELL, JR.

20 Senior United States District Judge