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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 Plaintiff,

18 v.

19 STEVEN VESTBIRK, et al.,

20 Defendants.
21
22
23

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

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

Date: March 18, 2013
Time: 9:00 a.m.
Dept: Courtroom 10
Judge: Honorable Garland E. Burrell, Jr.

24 1. WHEREAS, on November 27, 2012, the Court issued an Order setting a Status
25 (Pretrial Scheduling) Conference for March 18, 2013;

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

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

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 March 18, 2013
19 be continued approximately 90 days to a date on or about June 10, 2013.

20 IT IS SO STIPULATED.

21
22 Dated: February 27, 2013

SULLIVAN JOHNSON LLP

23
24 By /s/ Daniel A. Johnson (authorized 2/27/13)

DANIEL A. JOHNSON

Attorneys for Plaintiff

MVP ASSET MANAGEMENT (USA) LLC

1 Dated: February 27, 2013

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
12 **ORDER**

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

16 IT IS SO ORDERED.

17 **Date: 3/5/2013**

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GARLAND E. BURRELL, JR.

20 Senior United States District Judge