

1 SULLIVAN JOHNSON LLP  
DANIEL M. SULLIVAN (SBN 132878)  
2 DANIEL A. JOHNSON (SBN 130724)  
23480 Park Sorrento, Suite 250  
3 Calabasas, CA 91302  
Telephone: (818) 591-9700  
4 Facsimile: (818) 591-9707

5 Attorneys for Plaintiff  
MVP ASSET MANAGEMENT (USA) LLC

6 GEORGE L. O'CONNELL (SBN 74037)  
7 TODD M. NOONAN (SBN 172962)  
DLA PIPER LLP (US)  
8 400 Capitol Mall, Suite 2400  
Sacramento, CA 95814-4428  
9 Tel: 916.930.3200  
Fax: 916.930.3201

10 Attorneys for Specially Appearing Defendants  
11 [listed on signature page]

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

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

16 Plaintiff,

17 v.

18 STEVEN VESTBIRK, et al.,

19 Defendants.  
20

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

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME FOR  
FILING OF FIFTH AMENDED  
COMPLAINT**

21 1. WHEREAS, on March 22, 2013 the Court issued an Order dismissing the Fourth  
22 Amended Complaint and granting Plaintiff leave to file a Fifth Amended Complaint on or before  
23 April 1, 2013;

24 2. WHEREAS, Plaintiff and Specially Appearing Defendants have agreed to extend  
25 by fourteen (14) days Plaintiff's time to file the Fifth Amended Complaint, and that Specially  
26 Appearing Defendants in turn will have a fourteen (14) day extension of their time to respond;  
27

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

3 1. That Plaintiff's time to file the Fifth Amended Complaint be extended from April  
4 1, 2013 to April 15, 2013, and that Specially Appearing Defendants in turn will have a fourteen  
5 (14) day extension of their time to respond.  
6

7 IT IS SO STIPULATED.

8 Dated: March 28, 2013

SULLIVAN JOHNSON LLP

9 By /S/ Daniel A. Johnson (authorized 3/28/13)

10 DANIEL A. JOHNSON

Attorneys for Plaintiff

11 MVP ASSET MANAGEMENT (USA) LLC

12 Dated: March 28, 2013

DLA PIPER LLP (US)

13 By /S/ Todd M. Noonan (authorized 3/28/13)

14 TODD M. NOONAN

Attorneys for Defendants

15 STEVEN VESTBIRK, JEFF BALLIET, ALLISON

16 HANSLIK, ARK ROYAL ASSET

17 MANAGEMENT, LTD.; VESTBIRK CAPITAL

MANAGEMENT, LTD.; ARK ROYAL ASSET

18 MANAGEMENT, LLC; ARK DISCOVERY, LLC;

19 ARK ROYAL HOLDINGS, LLC; ARK ROYAL

SERVICES, LLC; ARK ROYAL CAPITAL, LLC;

20 ARK ROYAL CAPITAL FUNDING, LLC; ARK

ROYAL CAPITAL, INC.; ARK ROYAL

21 RESOURCES, LLC; ARK ROYAL ASSURANCE

LLC; ARK ROYAL INVESTMENTS, LLC

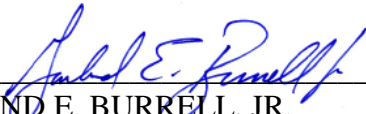
22 **ORDER**

23 Plaintiff is granted until April 15, 2013 to file a Fifth Amended Complaint addressing the  
24 deficiencies of Plaintiff's pleading discussed in the order of March 22, 2013 dismissing the  
25 Fourth Amended Complaint. Further, Plaintiff is notified that this action may be dismissed with  
26 prejudice under Rule 41(b) if Plaintiff fails to file an amended complaint within the prescribed  
27

1 time period. Specially Appearing Defendants have a fourteen (14) day extension of their time to  
2 respond to the amended complaint, once filed.

3 IT IS SO ORDERED.

4 **Date: 3/28/2013**

5  
6  
7   
8 \_\_\_\_\_  
9 GARLAND E. BURRELL, JR.  
10 Senior United States District Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28