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13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA

16 MVP ASSET MANAGEMENT (USA) LLC, a
 Delaware Limited Liability Company,
 17
 18 Plaintiffs,
 19 v.

Case No. 2:10-cv-02483-GEB-CMK
 STIPULATION AND ORDER TO
 CONTINUE STATUS (PRETRIAL
 SCHEDULING) CONFERENCE

20 STEVEN VESTBIRK, JEFF BALLIET,
 ALLISON HANSLIK, JIM GRANAT, ARK
 ROYAL ASSET MANAGEMENT, LTD., a
 21 Bermuda Limited Company, VESTBIRK
 CAPITAL MANAGEMENT, LTD., a
 22 Bermuda Limited Company, ARK ROYAL
 ASSET MANAGEMENT, LLC, a Nevada
 23 Limited-Liability Company, ARK
 DISCOVERY, LLC, a Business Entity of
 24 Unknown Form, ARK ROYAL HOLDINGS,
 LLC, a Nevada Limited-Liability Company,
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1 ARK ROYAL SERVICES, LLC, a Nevada
2 Limited-Liability Company, ARK ROYAL
3 CAPITAL, LLC, a Nevada Limited-Liability
4 Company, ARK ROYAL CAPITAL
5 FUNDING, LLC, a Nevada Limited-Liability
6 Company, ARK ROYAL CAPITAL, INC., a
7 Nevada Corporation, ROYAL CAPITAL
8 FUNDING, LLC, a Nevada Limited-Liability
9 Company, ARK ROYAL RESOURCES LLC,
10 a Nevada Limited-Liability Company, ARK
11 ROYAL ASSURANCE LLC, a Nevada
12 Limited-Liability Company, and ARK ROYAL
13 INVESTMENTS, LLC, a Nevada Limited-
14 Liability Company,

Defendants.

15 Plaintiff MVP Asset Management (USA) LLC, by and through its counsel of record, and
16 specially appearing defendants Jeff Balliet; Allison Hanslik, Vestbirk Capital Management, Ltd.;
17 Ark Royal Asset Management, LLC; Ark Discovery, LLC; Ark Royal Holdings, LLC; Ark Royal
18 Services, LLC; Ark Royal Capital, LLC; Ark Royal Capital Funding, LLC; Ark Royal Capital,
19 Inc.; Ark Royal Resources, LLC; Ark Royal Assurance LLC; and Ark Royal Investments, LLC
20 (“Specially Appearing Defendants”), by and through their counsel of record, hereby submit the
21 following Stipulation to Continue the Status (Pretrial Scheduling) Conference:

22 1. WHEREAS, the Complaint in this matter was filed September 15, 2010. Pursuant
23 to an Order filed that date, the Court set a Status (Pretrial Scheduling) Conference for February
24 14, 2011;

25 2. WHEREAS, service of process of the original complaint is not complete.
26 Pursuant to an Order entered January 12, 2011, Plaintiff received an extension of time to and
27 including March 14, 2011, to serve defendant Jim Granat. Efforts to serve Steven Vestbirk, a
28 foreign defendant, are ongoing;

3. WHEREAS, Plaintiff represents that Specially Appearing Defendants were served
in early January 2011 (with service dates of January 6 and January 10, 2011);

1 4. WHEREAS, Specially Appearing Defendants have not yet responded to the
2 Complaint, and hereby appear specially in connection with this Stipulation to Continue the Status
3 (Pretrial Scheduling) Conference. By entry into this Stipulation, Specially Appearing Defendants
4 reserve, and do not waive, all potential defenses, including those as to jurisdiction, service and
5 venue, and such other defenses as may be available under Rule 12 of the Federal Rules of Civil
6 Procedure or otherwise;

7 5. WHEREAS, Plaintiff agreed to Specially Appearing Defendants' request for an
8 extension of time to February 24, 2011, to respond to the Complaint, as reflected in the
9 Stipulation filed with the Court on January 20, 2011;

10 6. WHEREAS, Specially Appearing Defendants have represented to Plaintiff that
11 they intend to respond to the Complaint with a Motion to Dismiss brought pursuant to Rule 12 of
12 the Federal Rules of Civil Procedure. As Plaintiff's Complaint includes a claim for federal
13 securities fraud, the filing of this motion will impose an automatic stay on discovery (15 U.S.C.
14 § 78u-4(b)(3));

15 7. WHEREAS, Plaintiff and Specially Appearing Defendants also continue
16 discussions in an effort to resolve or narrow the claims and issues in dispute in the action; and

17 8. WHEREAS, Plaintiff and Specially Appearing Defendants submit that a
18 continuance of the Status (Pretrial Scheduling) Conference by at least sixty (60) days will
19 conserve the resources of the parties and the Court and promote judicial economy, as Defendants
20 have only just been served, two other individual defendants have not yet been served, and the
21 pleadings have not been finalized, pending the filing and ruling upon of Specially Appearing
22 Defendants' anticipated Rule 12 Motions to Dismiss and further discussions between the parties
23 regarding possible resolution, limitation or narrowing of the claims and issues in dispute in the
24 action.

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

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1 1. That the Status (Pretrial Scheduling) Conference, presently set for February 14,
2 2011, be continued approximately 60 days or to such other time as the Court may order.

3 IT IS SO STIPULATED.

4 Dated: January 25, 2011

SULLIVAN JOHNSON LLP

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By: /s/ DANIEL A. JOHNSON (authorized 1/25/11)
Daniel A. Johnson
Attorneys for Plaintiff
MVP ASSET MANAGEMENT (USA) LLC

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8 Dated: January 25, 2011

STEVENS, O'CONNELL & JACOBS LLP

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By: /s/ TODD M. NOONAN
Todd M. Noonan
Attorneys for Defendants
JEFF BALLIET, ALLISON HANSLIK,
ARK ROYAL ASSET MANAGEMENT,
LTD.; VESTBIRK CAPITAL
MANAGEMENT, LTD.; ARK ROYAL
ASSET MANAGEMENT, LLC; ARK
DISCOVERY, 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

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ORDER

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The Status (Pretrial Scheduling) Conference, presently set for February 14, 2011, is
19 continued to April 11, 2011, at 9:00 a.m. A joint status report shall be filed fourteen days prior
20 to the hearing.

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IT IS SO ORDERED.

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Date: 1/26/2011

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GARLAND E. BURRELL, JR.
United States District Judge

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