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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,
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18 Plaintiff,
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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: November 14, 2011
Time: 9:00 a.m.
Dept: Courtroom 10
Judge: Honorable Garland E. Burrell, Jr.

1 1. WHEREAS, on June 6, 2011 the Court issued an Order setting a Status (Pretrial
2 Scheduling) Conference for November 14, 2011.

3 2. WHEREAS, on October 3, 2011 Plaintiff filed its Second Amended Complaint in
4 this action which includes claims under the federal securities laws.

5 3. WHEREAS, certain Specially Appearing Defendants, after review of the Second
6 Amended Complaint, have determined that they will file a motion (or motions) to dismiss the
7 Second Amended Complaint on various grounds and said motions shall be scheduled for hearing
8 on December 19, 2011,

9 4. WHEREAS, the parties have agreed that Specially Appearing Defendants’
10 motions may be filed and served on or before November 14, 2011.

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

14 6. WHEREAS, Plaintiff and Specially Appearing Defendants respectfully submit
15 that, in light of the PLSRA stay, the Court should defer consideration of all discovery and
16 litigation deadlines until the issues identified in the motions to dismiss have been addressed by
17 the Court, such that the case is either dismissed, or, alternatively, the pleadings resolved and the
18 case is at issue and that a continuance of the Status (Pretrial Scheduling) Conference by
19 approximately another sixty (60) days will conserve the resources of the parties and the Court and
20 promote judicial economy by allowing time for the Court to address the motions to dismiss.

21 NOW, THEREFORE, Plaintiff and Specially Appearing Defendants, by and through their
22 respective counsel of record, hereby stipulate as follows:
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1 1. That the Status (Pretrial Scheduling) Conference, presently set for November 14,
2 2011, be continued approximately 60 days to January 16, 2012.

3 IT IS SO STIPULATED.

4 Dated: October 28, 2011

SULLIVAN JOHNSON LLP

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7 By /S/ Daniel A. Johnson (authorized 10/28/11)
8 DANIEL A. JOHNSON
Attorneys for Plaintiff
MVP ASSET MANAGEMENT (USA) LLC

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10 Dated: October 28, 2011

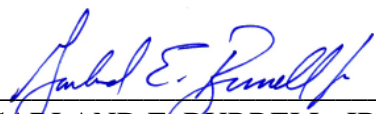
DLA PIPER LLP (US)

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12 By /S/ Todd M. Noonan (authorized 10/28/11)
13 TODD M. NOONAN
Attorneys for Defendants
14 JEFF BALLIET, ALLISON HANSLIK, ARK
ROYAL ASSET MANAGEMENT, LTD.;
15 VESTBIRK CAPITAL MANAGEMENT,
LTD.; ARK ROYAL ASSET
16 MANAGEMENT, LLC; ARK DISCOVERY,
LLC; ARK ROYAL HOLDINGS, LLC; ARK
17 ROYAL SERVICES, LLC; ARK ROYAL
CAPITAL, LLC; ARK ROYAL CAPITAL
18 FUNDING, LLC; ARK ROYAL CAPITAL,
INC.; ARK ROYAL RESOURCES, LLC;
19 ARK ROYAL ASSURANCE LLC; ARK
ROYAL INVESTMENTS, LLC

20 **ORDER**

21 The Status (Pretrial Scheduling) Conference, presently set for November 14, 2011, is
22 continued to January 30, 2012, at 9:00 a.m. A joint status report shall be filed fourteen days prior
23 to the hearing.

24 **Date: 10/28/2011**

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27 GARLAND E. BURRELL, JR.
28 United States District Judge