

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JAY LAPINE,

Defendant.
_____ /

No. C 01-03650 WHA

Consolidated with:

No. C 03-02603 WHA

**ORDER RE REQUEST
TO ENLARGE TIME**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CHARLES McCALL,

Defendant.
_____ /

The SEC and defendant Jay Lapine have filed a stipulated request to modify discovery and filing deadlines in this matter on the grounds that they have reached a settlement agreement subject only to approval by members of the SEC in Washington, D.C. The terms of the settlement have been finalized between defendant Lapine and local SEC counsel and defendant Lapine has signed a consent to entry of final judgment upon those terms. The settlement must next be approved by the SEC in Washington, D.C. before it can be submitted to the undersigned for approval.

1 Good cause, shown, the request to modify deadlines as to defendant Lapine is
2 **GRANTED**. Per defendant Lapine's stipulation with the SEC, the non-expert discovery cut-off
3 date shall be extended from February 26 to **MARCH 26, 2010**. The last date for designation of
4 expert testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on
5 which a party has the burden of proof ("opening report") shall be extended from February 26 to
6 **MARCH 26, 2010**. Within seven calendar days thereafter, the opening parties must disclose
7 any reply reports rebutting specific material in opposition reports. The cutoff for all expert
8 discovery shall be fourteen calendar days after the deadline for reply reports. At least 28
9 calendar days before the due date for opening reports, each party shall serve a list of issues on
10 which it will offer any expert testimony in its case-in-chief (including from non-retained
11 experts).


12 The deadline for defendant Lapine's response to the SEC's submission on the order to
13 show cause shall extended from February 2 until **NOON ON MARCH 2, 2010**. Any reply by the
14 SEC shall be filed on or before **NOON ON MARCH 5, 2010**.

15 In all other respects, all pretrial and trial dates with respect to defendant Lapine remain
16 as previously set by the case management order of March 20, 2009 (Dkt. No. 82).

17 The parties request that the extension of deadlines also apply to defendant McCall,
18 although no settlement has been reached by defendant McCall. For lack of good cause shown,
19 this request is **DENIED**. All pretrial and trial dates with respect to defendant McCall remain as
20 previously set by the March 20 case management order.

21
22 **IT IS SO ORDERED.**

23
24 Dated: February 5, 2010.

25 
26 _____
27 WILLIAM ALSUP
28 UNITED STATES DISTRICT JUDGE