

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

SECURITIES AND EXCHANGE
COMMISSION,

No. C 03-03252 WHA

Plaintiff,

REQUEST FOR RESPONSE

v.

OLIVER HILSEN RATH, and DAVID S.
KLARMAN,

Defendants.

A trial in this case is currently scheduled to begin January 26, 2009, and a pre-trial conference is scheduled for January 12, 2009. A May 2008 order granted summary judgment in plaintiff's favor on claims two through six, and an October 2008 order granted plaintiff's motion for voluntary dismissal of claim one (Dkt. Nos. 190, 205). Plaintiff indicated that, with the voluntary dismissal of claim one, all liability issues have been decided and that plaintiff intends to seek the imposition of remedies based on claims two through six (Dkt. No. 205). The parties are requested to **RESPOND** by Friday, **JANUARY 9, 2008**, to clarify whether the trial is moot and precisely what remains to be decided in this case.

IT IS SO ORDERED.

Dated: January 7, 2008



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE