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

SECURITIES AND EXCHANGE
COMMISSION,

No. C 03-03252 WHA

Plaintiff,

ORDER RE APRIL 30 HEARING

v.

OLIVER HILSEN RATH, and DAVID S.
KLARMAN,

Defendants.

Judgment has been granted in plaintiff's favor on claims two through six and claim one was voluntarily dismissed. The Commission has filed a remedies motion in which it seeks an officer and director bar, a permanent injunction and civil penalties against defendant Hilsenrath. A hearing on the motion is scheduled for April 30. Defendant (acting *pro se*) submitted a letter to the Court indicating that his wife was diagnosed with Stage 4 lymphoma and that he has assumed the duties of caring for her and the family. He indicates that he can maintain the current briefing schedule but would be unable to travel to California for a hearing until August 2009. The current briefing schedule will remain unchanged: pursuant to Civil Local Rule 7-3, defendant's opposition brief is due April 9, and plaintiff's reply brief is due April 16. The Court will defer ruling on this request until it has reviewed the Hilsenrath opposition.

Dated: April 3, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE