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Attorneys for Defendants and Cross-Defendants

9 BAY ENVIRONMENTAL MANAGEMENT INC.,
 10 CAESAR NUTI, ESTATE OF PINA J. BARBIERI, and
 11 DENNIS VARNI

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

14 SAN FRANCISCO DIVISION

15 JERRY VAUGHN and THERESA
 16 TRAVERS,

17 Plaintiffs,

18 v.

19 BAY ENVIRONMENTAL MANAGEMENT
 20 INC., CAESAR NUTI, DENNIS VARNI,
 21 FSC SECURITIES CORPORATION, and
 22 JERROLD N. WEINBERG

23 Defendants.

24 FSC SECURITIES CORPORATION and
 25 JERROLD N. WEINBERG,

26 Cross-Claimants,

27 v.

28 BAY ENVIRONMENTAL MANAGEMENT
 INC., ESTATE OF PINA J. BARBIERI,
 CAESAR NUTI, DENNIS VARNI,

Cross-Defendants.

Case No. C03-5725 SC

**REVISED STIPULATION AND
 [PROPOSED] ORDER CONTINUING
 STATUS CONFERENCE AND HEARING
 ON PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION**

1 This Stipulation is made by and between Plaintiffs Jerry Vaughn and Theresa Travers
2 (“Plaintiffs”), Defendants and Cross-Defendants Bay Environmental Management Inc., Caesar
3 Nuti, and Dennis Varni and Cross-Defendant Estate of Pina J. Barbieri¹ (“Bay Environmental
4 Defendants”), and Defendants FSC Securities Corporation and Jerrold N. Weinberg (“FSC
5 Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, with
6 respect to the following facts:

7 WHEREAS, on June 11, 2009, the Ninth Circuit Court of Appeals vacated the Court’s
8 order granting FSC Defendants’ motion to dismiss, and remanded this action for further
9 proceedings;

10 WHEREAS, on July 10, 2009, the Court ordered that the status conference be continued
11 to September 11, 2009, to be resumed simultaneously with Plaintiffs’ motion to certify the class;

12 WHEREAS, on August 7, 2009, Plaintiffs filed a motion to for class certification;

13 WHEREAS, the deadline for Defendants’ responsive briefs is August 21, 2009;

14 WHEREAS, the deadline for Defendants’ responses to Plaintiffs’ outstanding written
15 discovery requests is August 21, 2009;

16 WHEREAS, Defendants must conduct further investigation to determine whether they
17 will oppose the class certification motion, in whole or in part;

18 WHEREAS, the Parties to this case are actively engaging in discussions regarding the
19 proper definition of the class;

20 WHEREAS, Defendants believe that their responses to Plaintiffs’ written discovery
21 requests will allow for a more productive discussion; and

22 WHEREAS, the Parties have agreed, and respectfully submit, that the status conference
23 and hearing on Plaintiffs’ motion for class certification should be continued for one week in order
24 to allow productive discussions regarding class certification;

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26 ///

27 ///

28 ¹ Pina Barbieri, named as a Defendant herein, passed away several years ago. See Docket No. 36.

1 DATED: August 25, 2009

2 WILSON ELSER MOSKOWITZ
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4
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13 FSC SECURITIES CORPORATION and
14 JERROLD N. WEINBERG

15 DATED: August 25, 2009

16 LEWIS, FEINBERG, LEE, RENAKER &
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25 Attorneys for Plaintiffs
26 JERRY VAUGHN and
27 THERESA TRAVERS

28 **ORDER**

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS
HEREBY ORDERED THAT:**

The continued status conference and hearing (if necessary) on Plaintiffs' motion for class certification will be conducted on September ²⁵~~18~~, 2009. The deadline for responding to Plaintiffs' motion for class certification will be August 28, 2009.

SO ORDERED.

DATED: August 26, 2009

Hon. Samuel Conti
United States District Judge

