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7 Attorneys for Cross-Defendants
 Bay Environmental Management Inc., Caesar Nuti, Dennis
 8 Varni, and Estate of Pina J. Barbieri

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 JERRY VAUGHN and THERESA TRAVERS,

14 Plaintiffs,

15 v.

16 BAY ENVIRONMENTAL MANAGEMENT
 INC., CAESAR NUTI, DENNIS VARNI,
 17 MARIO AQUILINO, LOYD BONFANTE
 SR., JOSEPH DELLA ZOPPA, ESTATE OF
 18 RICHARD GRANZELLA SR., EDWARD
 MENOSSE, PASQUALE PARENTI, FSC
 19 SECURITIES CORPORATION, AND
 JERROLD N. WEINBERG

20 Defendants.

21 FSC SECURITIES CORPORATION and
 22 JERROLD N. WEINBERG,

23 Cross-Claimants,

24 v.

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

27 Cross-Defendants.

Case No. C03-5725 (SC)

**SECOND STIPULATION AND
 [PROPOSED] ORDER CONTINUING
 TRIAL DATE TO PERMIT THE
 PARTIES TO COMPLETE
 MEDIATION**

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WHEREAS, counsel for the respective Parties have conferred regarding their other client

MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 commitments and have determined that they are available for a trial in this case commencing on
2 November 15, 2010.

3 NOW, THEREFORE, the parties to this action, by and through their undersigned counsel,
4 hereby stipulate, and respectfully request that the Court order, as follows:

5 A. Trial shall be continued to November 15, 2010, at 9:30 a.m. or at the Court's
6 convenience.

7 B. A pretrial conference shall occur on November 8, 2010, at 10:00 a.m. or at the
8 Court's convenience.

9
10 DATE: June 24, 2010

LEWIS, FEINBERG, LEE, RENAKER &
JACKSON, P.C.

11 By: /s/ Teresa S. Renaker
12 Teresa S. Renaker
13 Attorneys for Plaintiffs JERRY VAUGHN
14 and THERESA TRAVERS

15 DATE: June 24, 2010

MORGAN LEWIS & BOCKIUS LLP

16 By: /s/ Nicole A. Diller
17 Nicole A. Diller
18 Attorneys for Defendants BAY
19 ENVIRONMENTAL MANAGEMENT
20 INC., CAESAR NUTI, DENNIS VARNI,
21 MARIO AQUILINO, LOYD BONFANTE
22 SR., JOSEPH DELLA ZOPPA, ESTATE OF
23 RICHARD GRANZELLA SR., EDWARD
24 MENOSSE, PASQUALE PARENTI, and
25 THE ESTATE OF PINA J. BARBIERI

26 DATE: June 24, 2010

WILSON, ELSE, MOSKOWITZ, EDELMAN &
DICKER LLP

27 By: /s/ Bernard Gelhar
28 Bernard Gelhar
Emily Wood
Attorneys for Co-Defendants FSC
SECURITIES CORPORATION and
JERROLD N. WEINBERG

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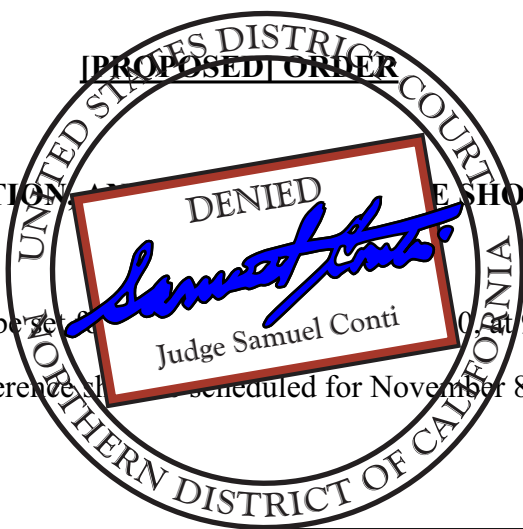
~~PROPOSED ORDER~~

PURSUANT TO STIPULATION AND AS SHOWN, IT IS HEREBY
ORDERED:

- A. The case shall be set for trial on November 8, 2010, at 9:30 a.m.
- B. A pretrial conference shall be scheduled for November 8, 2010, at 10:00 a.m.

DATE: June 29, 2010

Hon. Samuel Conti
United States District Court Judge
Northern District of California



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ATTESTATION

I hereby attest that for all conformed signatures indicated by a “/s/,” the signatory has concurred in the filing of this document.

Dated: June 24, 2010

By: /s/ Nicole A. Diller
Nicole A. Diller

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