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6 Attorneys for Plaintiffs

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 JERRY VAUGHN and THERESA  
 TRAVERS,

12 Plaintiffs,

13 v.

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

19 Defendants.

20  
 21 FSC SECURITIES CORPORATION and  
 JERROLD N. WEINBERG,

22 Cross-Claimants,

23 v.

24  
 25 BAY ENVIRONMENTAL MANAGEMENT  
 INC., ESTATE OF PINA J. BARBIERI,  
 26 CAESAR NUTI, and DENNIS VARNI,

27 Cross-Defendants.

Case No. C03-5725 (SC)

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER VACATING PRETRIAL  
 CONFERENCE AND TRIAL;  
 STIPULATED REQUEST FOR ORDER  
 CHANGING TIME AND ~~[PROPOSED]~~  
 ORDER THEREON**

1 WHEREAS, the pretrial conference in this matter is set for September 3, 2010, and the  
2 trial is set for September 7, 2010 (Docket No. 148); and

3 WHEREAS, as set forth in the letter and attached term sheet filed July 30, 2010 (Docket  
4 No. 206), the parties hereto have agreed to a proposed settlement of this certified class action;  
5 and

6 WHEREAS, the parties expect to finalize their settlement agreement no later than  
7 August 18, 2010, Plaintiffs expect to file their unopposed motion for preliminary approval of the  
8 settlement no later than August 20, 2010, and Defendants expect to file their notices of  
9 nonopposition upon the filing of the unopposed motion; and

10 WHEREAS, no further briefing on preliminary approval will be submitted absent a  
11 request by the Court for additional briefing;

12 NOW, THEREFORE, the parties hereby jointly request as follows:

- 13 1. That the pretrial conference and trial date be vacated; and
- 14 2. That in view of the unopposed nature of the motion, the time for hearing the  
15 motion for preliminary approval be shortened and the hearing be set for September 3, 2010, at  
16 10:00 a.m.

17 SO STIPULATED:

18  
19 Dated: August 6, 2010

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

20  
21 By: /s/ Teresa S. Renaker  
Teresa S. Renaker  
Attorneys for Plaintiffs

22  
23 Dated: August 6, 2010

MORGAN, LEWIS, & BOCKIUS LLP

24 By: /s/ Nicole Diller  
Nicole Diller  
Attorneys for Defendants Bay  
25 Environmental Management Inc., Caesar  
26 Nuti, Dennis Varni, Mario Aquilino, Loyd  
27 Bonfante Sr., Joseph Della Zoppa, Estate of  
Richard Granzella Sr., Edward Menosse,  
28 and Pasquale Parenti

1 Dated: August 6, 2010

WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER LLP

2  
3 By: /s/ Bernard Gehlhar  
Bernard Gehlhar  
4 Attorneys for Defendants FSC Securities  
Corporation and Jerrold N. Weinberg

5  
6 **ATTESTATION**

7 Pursuant to General Order 45(X), I attest that concurrence in the filing of this document  
8 has been obtained from each of the other signatories.

9 Dated: August 6, 2010

/s/ Teresa S. Renaker  
Teresa S. Renaker

10  
11 **[PROPOSED] ORDER**

12 Pursuant to stipulation, the Court hereby ORDERS as follows:

13 1. The pretrial conference date of September 3, 2010, and the trial date of  
14 September 7, 2010, are hereby VACATED;

15 2. The parties' stipulated request for an order shortening time is hereby GRANTED  
16 and the hearing on the motion for preliminary approval of the class action settlement in this  
17 matter is hereby set for September 3, 2010.

18 IT IS SO ORDERED.

19 Dated: August 9, 2010

