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 Bay Environmental Management Inc., Caesar Nuti,  
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 9 Edward Menosse, Pasquale Parenti, and Estate of Pina J.  
 Barbieri

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

14 JERRY VAUGHN and THERESA  
 TRAVERS,

15 Plaintiffs,

16 v.

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

21 Defendants.

22 FSC SECURITIES CORPORATION and  
 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

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER CONTINUING FURTHER  
 STATUS CONFERENCE AND  
 HEARING ON MOTION FOR  
 PRELIMINARY APPROVAL OF  
 CLASS ACTION SETTLEMENT**

1 WHEREAS, the parties filed a settlement term sheet with the Court on July 30, 2010  
2 (Docket No. 206), which set forth the essential terms on which they have agreed to settle this  
3 matter;

4 WHEREAS, the parties attended a status conference on September 3, 2010 and reported  
5 to the Court that substantial progress had been made in setting forth the complete terms of the  
6 settlement in a formal, written agreement, and that they anticipated being able to submit a fully  
7 executed settlement agreement to the Court, along with Plaintiffs' papers requesting  
8 preliminary approval of the agreement, within two weeks;

9 WHEREAS, the Court ordered a further status conference and the hearing on Plaintiff's  
10 contemplated Motion for Preliminary Approval of the Class Action Settlement be held on  
11 September 17, 2010 at 10 a.m.;

12 WHEREAS, the parties have been working diligently on the formalization of the  
13 settlement agreement, but not yet finalized the settlement, as they are working to resolve  
14 complex Internal Revenue Code and related issues raised by the distribution of the settlement  
15 funds through previously terminated employee pension benefit plans;

16 WHEREAS, the parties expect to soon resolve all outstanding issues and execute a  
17 finalized settlement agreement, and Plaintiffs expect to file an unopposed motion for  
18 preliminary approval of the finalized agreement in the near future;

19 NOW, THEREFORE, the parties stipulate, and respectfully request the Court to order,  
20 as follows:

21 That the further status conference and hearing on Plaintiffs' Motion for Preliminary  
22 Approval currently set for September 17, 2010 at 10:00 a.m. be continued to November 15,  
23 2010 at 10:00 a.m.

24 DATE: September 16, 2010

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

27 By: /s/ Teresa S. Renaker  
28 Teresa S. Renaker  
Attorneys for Plaintiffs JERRY VAUGHN  
and THERESA TRAVERS



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**[PROPOSED] ORDER**

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

The status conference and hearing on Plaintiffs' Motion for Preliminary Approval currently set for September 17, 2010 at 10:00 a.m. is continued to November 15, 2010 at 10:00 a.m.

DATE: September 16, 2010

