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 7 WEDBUSH MORGAN SECURITIES INC.

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 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 ACORN CAPITAL GROUP, LLC., ) Case No. C 06 1674 JSW  
 12 )  
 Plaintiff, )  
 13 )  
 vs. ) **STIPULATION AND ~~PROPOSED~~**  
 14 ) **ORDER FOR VACATING TRIAL DATE**  
 WEDBUSH MORGAN SECURITIES INC. )  
 15 and MAX SAFDIE, )  
 16 Defendants. )  
 17 )  
 18 )  
 19 AND RELATED CROSS-ACTION )  
 20 )

21 **I. INTRODUCTION**

22 On August 29, 2008, following a Settlement Conference before the Honorable  
 23 Bernard Zimmerman, the parties reached a settlement, the terms of which were placed  
 24 on the record and so ordered by Magistrate Judge Zimmerman. Accordingly, the trial of  
 25 this matter – *currently set to commence on September 8, 2008* – is to be vacated.

26 Pursuant to the terms of the so-ordered settlement, defendant Wedbush Morgan  
 27 Securities (“Wedbush”) is to pay an agreed-upon sum to plaintiff Acorn Capital Group  
 28 (“Acorn”) on or before September 19, 2008 (the “Settlement Payment”). In the event that

1 Wedbush should fail to make the Settlement Payment on or before September 19, 2008,  
2 Acorn intends to seek any and all available remedies to enforce the court-ordered  
3 settlement. It is not the intention of the parties to return the case to the trial calendar.  
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**II. STIPULATION**

In light of the settlement of this matter, the parties, by and through their attorneys of record herein, submit their Stipulation and Proposed Order Vacating the Trial Date as follows:

- 1. The trial date of September 8, 2008 is to be vacated;**
- 2. The parties will file dismissals on or before September 24, 2008; and**
- 3. In the event that Wedbush fails to make the Settlement Payment in accordance with the terms of the so-ordered settlement of this matter, Acorn may seek any and all remedies to enforce the settlement.**

**IT IS SO STIPULATED.**

DATED: September 3, 2008

/s/ Susan Jacquemot  
GEOFFREY POTTER  
SUSAN JACQUEMOT  
KRAMER LEVIN NAFTALIS & FRANKEL  
LLP  
Attorneys for Plaintiff  
ACORN CAPITAL GROUP LLC

DATED: September 3, 2008

/s/ Garrett R. Wynne  
GORDON C. YOUNG  
GARRETT R. WYNNE  
KEESAL, YOUNG & LOGAN  
Attorneys for Defendant and Third-Party  
Plaintiff  
WEDBUSH MORGAN SECURITIES INC.

DATED: September 3, 2008

/s/ Max Safdie  
MAX SAFDIE, *IN PRO PER*

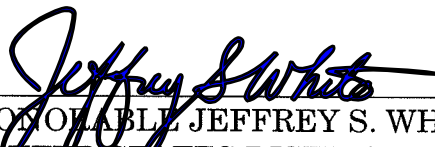
**ORDER**

Based on the stipulation of the parties and good cause appearing, the Court hereby Orders as follows:

1. **The trial date of September 8, 2008 is hereby vacated;** CONTINUED to October 6, 2008. The trial date will be vacated upon the filing of the dismissals.
2. **The parties are to file dismissals on or before September 24, 2008;**
- and
3. **In the event that Wedbush fails to make the Settlement Payment in accordance with the terms of the so-ordered settlement of this matter, Acorn may seek any and all remedies to enforce the settlement.**

**IT IS SO ORDERED:**

Dated: September 4, 2008

  
HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE