

1 David M. Jolley, SB # 191164
 2 Tammy Albarrán, SB #215605
 3 Margaret G. May, SB # 234910
 4 COVINGTON & BURLING LLP
 5 One Front Street
 6 San Francisco, CA 94111
 7 Telephone: (415) 591-6000
 8 Facsimile: (415) 591-6091
 9 djolley@cov.com
 10 talbarran@cov.com
 11 mmay@cov.com

12 Linda C. Goldstein (*pro hac vice*)
 13 COVINGTON & BURLING LLP
 14 620 Eighth Avenue
 15 New York, NY 10018-1405
 16 Telephone: (212) 841-1000
 17 Facsimile: (212) 841-1010
 18 lgoldstein@cov.com

19 Attorneys for Defendants
 20 COWEN & COMPANY, SG COWEN SECURITIES
 21 CORPORATION and COWEN & COMPANY, LLC

22 **UNITED STATES DISTRICT COURT**
 23 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

24 CHARLES T. MADDEN, et al.,
 25
 26 Plaintiffs,

27 -v-

28 COWEN & COMPANY, a New York limited
 partnership; SG COWEN SECURITIES
 CORPORATION, a New York corporation;
 COWEN & COMPANY, LLC, a Delaware
 limited liability company; and DOES 1 through
 50,

Defendants.

Civil Case No.: C-06-4886 (JSW)

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

Judge: Hon. Jeffrey S. White
 Courtroom: 11, 19th Floor

1 WHEREAS, on August 7, 2009, the Ninth Circuit Court of Appeals issued an
2 Order and Opinion remanding the case to this Court for further proceedings;

3 WHEREAS, on August 20, 2009, this Court issued an order setting a Case
4 Management Conference for September 18, 2009;

5 WHEREAS, on August 21, 2009, Defendants in this action filed with the Ninth
6 Circuit Court of Appeals a Petition for Panel Rehearing and Suggestion for Rehearing En Banc
7 of August 7, 2009 Opinion (“Rehearing Petition”);

8 WHEREAS, the Ninth Circuit Court of Appeals has not ruled on the Rehearing
9 Petition and has not issued a mandate;

10 WHEREAS, lead counsel for the Defendants is unable to attend the Case
11 Management Conference currently scheduled for September 18, 2009; and

12 WHEREAS, the parties jointly request that the Court postpone the Case
13 Management Conference until after the Ninth Circuit Court of Appeals has ruled on the
14 Rehearing Petition and issued a mandate;

15 The parties hereby stipulate as follows:

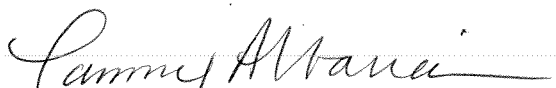
16 With the Court’s agreement, the Case Management Conference scheduled for
17 September 18, 2009 shall be taken-off calendar, and shall be rescheduled by the Court after the
18 Ninth Circuit Court of Appeals has ruled on the Rehearing Petition and a mandate has issued.

19 DATED: September 9, 2009

COVINGTON & BURLING LLP

20

21

By: 
Tammy Albarán
Attorneys for Defendants

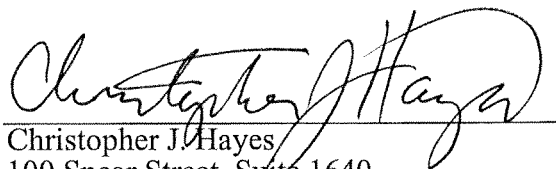
22

23 DATED: September 9, 2009

BOROWSKY & HAYES LLP

24

25

By: 
Christopher J. Hayes
100 Spear Street, Suite 1640
San Francisco, CA 94105-1571
Telephone: (415) 896-6800
Facsimile: (415) 896-0600
Attorneys for Plaintiffs

26

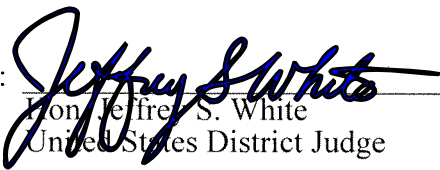
27

28

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: September 10, 2009

By: 
Jeffrey S. White
United States District Judge