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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

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 SECURITIES AND EXCHANGE COMMISSION )  
 13 )  
 Plaintiff )  
 14 )  
 vs. )  
 15 )  
 JONATHAN EARL BRAKE, )  
 16 )  
 Defendant )  
 17 )  
 18 \_\_\_\_\_ )

Civil Action No.  
 C-08-4089-BZ  
  
**PLAINTIFF SECURITIES  
 AND EXCHANGE  
 COMMISSION'S NOTICE  
 OF PROPOSED  
 SETTLEMENT AND  
 UNOPPOSED REQUEST  
 FOR CONTINUANCE OF  
 CERTAIN DISCOVERY  
 DEADLINES AND  
 PRETRIAL DATES**

Date: Jan. 11, 2010  
 Time: 8:30 a.m.  
 Judge: Bernard Zimmerman  
 Courtroom: G

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 Plaintiff's Certification  
 C-08-4089-BZ

1                                    **PLAINTIFF'S NOTICE OF PROPOSED SETTLEMENT**

2                                    In accordance with the standing orders of this Court and of Magistrate Judge James  
3 Larson, plaintiff Securities and Exchange Commission ("Commission") hereby notifies the Court  
4 and Magistrate Judge Larson that the Commission and defendant John Earl Brake have reached a  
5 tentative proposed settlement in the *Securities and Exchange Commission v. John Earl Brake*, Civil  
6 Action No. C-08-4089-BZ, litigation. All proposed settlements with the Commission must be  
7 approved by the Commission itself before being finalized. The Commission's counsel will endeavor  
8 to obtain the Commission's consideration of the proposed settlement by the end of October 2009.

9                                    While the proposed settlement is being submitted to the Commission for its  
10 consideration, the parties desire to postpone certain discovery and pretrial deadlines to avoid the  
11 potentially unnecessary expenditure of time and resources by themselves and the Court. The parties  
12 therefore respectfully request that the Court consider entering a revised Scheduling Order which  
13 modifies these deadlines:

14                                    The current cut-off for fact discovery will be extended from September 18, 2009 to  
15 October 16, 2009.

16                                    The current deadline for designating experts will be extended from September 25,  
17 2009 to November 4, 2009.

18                                    The current deadline for designating rebuttal experts will be extended from October  
19 2, 2009 to November 12, 2009.

20                                    The current deadline for completing expert discovery will be extended from October  
21 9, 2009 to November 19, 2009.

22                                    The last date for hearing dispositive motions will be continued from November 18,  
23 2009 to December 9, 2009.

24                                    The deadline for the submission of the joint pretrial conference statements, proposed  
25 jury instructions and voir dire will be continued from November 30, 2009 to December 15, 2009.

26                                    The deadline for submitting objections to proposed jury instructions and voir dire will  
27 be continued from December 11, 2009 to December 18, 2009.

28                                    The current pretrial conference date of December 22, 2009 and trial date of January

1 11, 2010 will remain unchanged.

2 Dated: September 11, 2009

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**IT IS SO ORDERED, except that the last day to hear dispositive motions is  
December 2, 2009.**

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**Dated: September 11, 2009**

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