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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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The Board of Trustees of The Leland Stanford
 Junior University,
 Plaintiff,
 v.
 Stanford Financial Group Company and Stanford
 Group Company,
 Defendants.

No. 3:08-cv-04950 CRB

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING HEARING
 TO SHOW CAUSE, CONTINUING
 HEARING DATES ON PENDING
 MOTIONS, AND EXTENDING TIME
 TO RESPOND TO DEFENDANT
 STANFORD GROUP COMPANY'S
 COUNTERCLAIMS**

Hearing to Show Cause:
 Existing Date: May 29, 2009
 Stipulated Date: June 26, 2009
 Time: 10:00 a.m.
 Ctrm: 8

Pending Motions:
 Existing Date: June 26, 2009
 Stipulated Date: July 24, 2009

Response to Counterclaims:
 Existing Date: June 12, 2009
 Stipulated Date: July 10, 2009

Hon. Charles R. Breyer

Case No. 3:08-cv-04950 CRB

STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING TO SHOW CAUSE

A/73042774.1/2004678- 0000332067A/73011663.1/2004678-0000332067

1 Pursuant to Civil L.R. 7-7(a) and the Court’s Standing Order, all parties to this action, by
2 and through their respective counsel of record, hereby stipulate as follows:

3 On March 25, 2009, the Court entered an Order to Show Cause requiring the Receiver
4 appointed by the Northern District of Texas to exercise control and possession of the
5 Defendants’ assets (the “Receiver”) to appear before the Court on April 24, 2009 to explain its
6 contention that further proceedings in this action are barred and why this action should not
7 proceed. Document No. 103. In addition, the Court directed the Receiver and the Plaintiff
8 Stanford University (“Stanford”) to file a Joint Case Management Conference Statement on or
9 before April 17, 2009. On April 17, 2009, the Court entered an order granting the parties’
10 request to continue the hearing to show cause from April 24 to May 29 and directing the parties
11 to file the Joint Case Management Conference Statement on or before May 22, 2009. Document
12 No. 106.

13 Since the Court entered the Order to Show Cause, Stanford and the Receiver have
14 engaged in settlement discussions, have exchanged a proposed settlement agreement, and are
15 working to finalize a resolution of this action. While the parties have been working diligently to
16 reach a resolution and to finalize a settlement agreement, it is unlikely that a final agreement can
17 be reached before the May 22, 2009 filing deadline for the Joint Case Management Conference
18 Statement or the May 29, 2009 date for the hearing to show cause.

19 To provide the parties time to resolve their disputes, Stanford and the Receiver wish to
20 continue the date of the hearing to show cause to June 26, 2009 and to continue the filing date for
21 the Joint Case Management Conference Statement to June 19, 2009. Additionally, Stanford and
22 the Receiver wish to reset the hearing dates for the Defendants’ five pending motions, which are
23 all currently set for June 26, 2009, to July 24, 2009, with opposition and reply dates to run from
24 the later, re-scheduled date pursuant to Civil L.R. 7-3, to extend the time for Stanford to respond
25 to Defendant Stanford Group Company’s counterclaims from June 12, 2009 to July 10, 2009,
26 and to extend the time for the Defendants to respond to pending discovery requests from June 5,
27 2009 to July 3, 2009.

1 NOW THEREFORE, IT IS SO STIPULATED between the parties that there is good
2 cause for the Court to enter an order resetting the date for the Hearing to Show Cause, which is
3 currently set for May 29, 2009, to June 26, 2009.

4 IT IS FURTHER STIPULATED between the parties that there is good cause to enter an
5 order resetting the filing date for the Joint Case Management Conference Statement, which is
6 currently set for May 22, 2009, to June 19, 2009.

7 IT IS FURTHER STIPULATED between the parties that there is good cause for the
8 Court to enter an order to reset the hearing dates for Stanford Financial Group Company's
9 Motion to Dismiss in Part for Lack of Personal Jurisdiction (Doc. No. 57), Stanford Group
10 Company's Motion to Dismiss the First Amended Complaint For Failure to State a Claim on
11 Which Relief Can be Granted (Doc. No. 62), Stanford Financial Group Company's Motion for
12 Judgment on the Pleadings and to Dismiss the First Amended Complaint (Doc. No. 66), Stanford
13 Financial Group Company's Motion to Dismiss a Portion of the First Amended Complaint for
14 Lack of Subject-Matter Jurisdiction (Doc. No. 74), and Stanford Financial Group Company's
15 Motion for Partial Summary Judgment (Doc. No. 80), which are all currently set for June 26,
16 2009, to July 24, 2009, with opposition and reply dates to run from the later, re-scheduled date
17 pursuant to Civil L.R. 7-3.

18 IT IS FURTHER STIPULATED between the parties that there is good cause for the
19 Court to enter an order extending the time for Stanford to respond to Stanford Group Company's
20 counterclaims from June 12, 2009 to July 10, 2009.

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IT IS FURTHER STIPULATED that the time for the Defendants to respond to pending discovery requests is extended from June 5, 2009 to July 3, 2009.

DATED: May 20, 2009

Bingham McCutchen LLP

By: /s/ William F. Abrams
William F. Abrams
Bingham McCutchen LLP

Attorneys for Plaintiff
The Board of Trustees of The Leland
Stanford Junior University

DATED: May 20, 2009

Thompson & Knight LLP

By: /s/ Jessica B. Magee
Jessica B. Magee
Thompson & Knight, LLP

Attorneys for the Receiver for Defendants
Stanford Financial Group Company and
Stanford Group Company

1 **NOW THEREFORE, IT IS HEREBY ORDERED THAT** the Hearing to Show
2 Cause, currently set for May 29, 2009, is re-scheduled for hearing at 10:00 a.m. in Courtroom 8
3 on June 26, 2009.

4 **IT IS FURTHER ORDERED THAT** a Joint Case Management Conference Statement,
5 currently due to be filed on or before May 22, 2009, shall be filed on or before June 19, 2009.

6 **IT IS FURTHER ORDERED THAT** Stanford Financial Group Company's Motion to
7 Dismiss in Part for Lack of Personal Jurisdiction (Doc. No. 57), Stanford Group Company's
8 Motion to Dismiss the First Amended Complaint For Failure to State a Claim on Which Relief
9 Can be Granted (Doc. No. 62), Stanford Financial Group Company's Motion for Judgment on the
10 Pleadings and to Dismiss the First Amended Complaint (Doc. No. 66), Stanford Financial Group
11 Company's Motion to Dismiss a Portion of the First Amended Complaint for Lack of Subject-
12 Matter Jurisdiction (Doc. No. 74), and Stanford Financial Group Company's Motion for Partial
13 Summary Judgment (Doc. No. 80), set for hearing on May 22, 2009, are re-scheduled for hearing
14 at 10:00 a.m. in Courtroom 8 on July 24, 2009, with opposition and reply deadlines to be based
15 on the re-scheduled date.

16 **IT IS FURTHER ORDERED THAT** the time for Stanford to respond to Defendant
17 Stanford Group Company's counterclaims is extended from June 12, 2009 to July 24, 2009.

18 **IT IS FURTHER ORDERED** that the time for the Defendants to respond to pending
19 discovery requests is extended from June 5, 2009 to July 3, 2009.

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DATED: May 21, 2009

The Honorable Charles R. Breyer
UNITED STATES DISTRICT COURT

