| 1  | MARC J. FAGEL (Cal. Bar No. 154425)<br>MARK P. FICKES (Cal. Bar No. 178570)                |                                       |  |
|----|--|---------------------------------------|--|
| 2  | (fickesm@sec.gov)<br>KRISTIN A. SNYDER (Cal. Bar No. 187175)                               |                                       |  |
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| 8  |  |                                       |  |
| 9  |  |                                       |  |
| 10 | UNITED STATES DISTRICT COURT   |                                       |  |
| 11 | NORTHERN DISTRICT OF CALIFORNIA  |                                       |  |
| 12 | SAN FRANCISCO DIVISION   |                                       |  |
| 13 |  | •                                     |  |
| 14 | SECURITIES AND EXCHANGE COMMISSION,  | Case No. CV-09-1259 CRB               |  |
| 15 | Plaintiff,   | STIPULATION AND [PROPOSED] ORDER      |  |
| 16 | vs.  | TO EXTEND THE DEADLINE FOR THE        |  |
| 17 | DAVID SCOTT CACCHIONE,   | INITIAL CASE MANAGEMENT<br>CONFERENCE |  |
| 18 | Defendant.   | [Civ. L.R. 7-12]                      |  |
| 19 |  |                                       |  |
| 20 |  |                                       |  |
| 21 |  |                                       |  |
| 22 | WHEREAS, the Securities and Exchange Commission ("Commission") brought the above-          |                                       |  |
| 23 | titled action against David Scott Cacchione ("Cacchione") on March 24, 2009;               |                                       |  |
| 24 | WHEREAS, this Court entered Final Judgment as to all of the non-monetary relief sought by  |                                       |  |
| 25 | the Commission against Cacchione on March 31, 2009;  |                                       |  |
| 26 | WHEREAS, the only remaining issue in the above-titled action is the amount of disgorgement |                                       |  |
| 27 | and civil penalty to be imposed against Cacchione;   |                                       |  |
| 28 |  |                                       |  |

| 1  | WHEREAS, Cacchione is scheduled to be sentenced in a related criminal action, United                 |  |
|----|--|--|
| 2  | States of America v. David Scott Cacchione, CR-09-00296 CRB, on August 4, 2009, and such             |  |
| 3  | sentence may include a prison term and restitution order;  |  |
| 4  | WHEREAS, any restitution order imposed as part of Cacchione's criminal sentence may                  |  |
| 5  | relate to the monetary relief sought by the Commission;  |  |
| 6  | WHEREAS, an initial Case Management Conference is scheduled to occur in the above-titled             |  |
| 7  | matter on Friday, July 17, 2009 at 8:30 a.m. in this Court; and                                      |  |
| 8  | WHEREAS, in the interest of efficiency, the parties seek to extend the date of the initial Case      |  |
| 9  | Management Conference until October 2, 2009, at which time Del Biaggio's criminal sentence will      |  |
| 10 | be known, and the Commission can more fully consider what additional remedies, if any, it will seek. |  |
| 11 | IT IS SO STIPULATED.   |  |
| 12 | Dated: June 18, 2009   |  |
| 13 |  |  |
| 14 | /s/  |  |
| 15 | Marc J. Fagel<br>Mark P. Fickes<br>Kristin A. Snyder   |  |
| 16 | Attorneys for Plaintiff  |  |
| 17 | SECURITIES AND EXCHANGE COMMISSION 44 Montgomery Street, Suite 2600                                  |  |
| 18 | San Francisco, California 94104 Telephone: (415) 705-2500  |  |
| 19 | Facsimile: (415) 705-2501  |  |
| 20 | Dated: June 2, 2009  |  |
| 21 | $\mathcal{L} \propto \mathcal{L} \sim 0$   |  |
| 22 | David Scott Cacchione  |  |
| 23 | 11 Haciendas Drive<br>Woodside, CA 94062   |  |
| 24 | Telephone: (650) 906-3620<br>PRO SE  |  |
| 25 | TRO DL   |  |
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| 28 |  |  |

PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management Conference in the above-titled action will be continued from Friday, July 17, 2009 to Friday, October 2, 2009. IT IS <u>SO</u> ORDERED Charle United St Judge Charles R. Breyer