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12 | UNITED STATES DISTRICT COURT  
 13 | NORTHERN DISTRICT OF CALIFORNIA  
 14 | SAN FRANCISCO DIVISION

15 | SECURITIES AND EXCHANGE COMMISSION,  
 16 | Plaintiff,  
 17 | vs.  
 18 | DAVID SCOTT CACCHIONE,  
 19 | Defendant.

Case No. CV-09-1259 CRB

STIPULATION AND [~~PROPOSED~~] ORDER  
 TO EXTEND THE DEADLINE FOR THE  
 INITIAL CASE MANAGEMENT  
 CONFERENCE

[Civ. L.R. 7-12]

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 |  
 STIPULATION AND [PROPOSED] ORDER  
 EXTENDING CMC DATE

1 WHEREAS, Cacchione was initially scheduled to be sentenced in a related criminal action,  
2 *United States of America v. David Scott Cacchione*, CR-09-00296 CRB, on August 4, 2009, where  
3 such sentence may include a prison term and restitution order;

4 WHEREAS, Cacchione's sentencing date is now September 29, 2009;

5 WHEREAS, any restitution order imposed as part of Cacchione's criminal sentence may  
6 relate to the monetary relief sought by the Commission;

7 WHEREAS, an initial Case Management Conference was scheduled to occur in the above-  
8 titled matter on Friday, July 17, 2009 at 8:30 a.m. in this Court;

9 WHEREAS, the parties stipulated, and the Court ordered, to extend the date for such Case  
10 Management Conference until October 2, 2009; and

11 WHEREAS, in the interest of efficiency, the parties seek to extend the date of the initial Case  
12 Management Conference until December 4, 2009, at which time <sup>Cacchione's</sup> ~~Del Biaggio's~~ criminal sentence will  
13 be known, and the Commission can more fully consider what additional remedies, if any, it will seek.

14 IT IS SO STIPULATED.

15 Dated: September 21, 2009

17 \_\_\_\_\_  
18 /s/  
19 Marc J. Fagel  
20 Mark P. Fickes  
21 Kristin A. Snyder

22 Attorneys for Plaintiff  
23 SECURITIES AND EXCHANGE COMMISSION  
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28 Dated: September <sup>22</sup>\_\_\_\_, 2009

24 \_\_\_\_\_  
25 /s/ David Scott Cacchione  
26 David Scott Cacchione  
27 11 Haciendas Drive  
28 Woodside, CA 94062  
Telephone: (650) 906-3620  
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2           PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management  
3 Conference in the above-titled action will be continued from Friday, October 2, 2009 to Friday,  
4 December 4, 2009.  
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6  
7 Dated: Sept. 29, 2009  
8  
9

