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

15 SECURITIES AND EXCHANGE COMMISSION,

16 Plaintiff,

17 v.

18 MAHER F. KARA, MICHAEL F. KARA,  
 EMILE Y. JILWAN, ZAHY T. HADDAD,  
 19 BASSAM Y. SALMAN, and KARIM I. BAYYOUK,

20 Defendants.

Case No. CV 09-1880 MHP

JOINT STATUS REPORT AND  
 STIPULATED REQUEST TO  
 CONTINUE STATUS CONFERENCE  
 AND DISCOVERY DEADLINES

~~[PROPOSED ORDER]~~

21 Based on a stipulation of the parties, on February 16, 2010 the Court set a further status  
 22 conference in this case for April 26, 2010. The status conference was continued to follow a trial  
 23 and motions setting conference in the related criminal action pending before the Court involving  
 24 three of the same defendants. The parties to the criminal action have agreed to continue that  
 25 hearing date until June 21, 2010. Accordingly, in order to permit the criminal action to proceed  
 26 and permit the parties to continue to discuss resolution of the civil action, the parties now ask  
 27 that the Court continue certain discovery deadlines by approximately 60 days and reschedule the  
 28 further status conference in this case to June 28, 2010.

1 **A. STATUS OF THE CASE**

2 Three of the defendants in this civil action are also defendants in a related criminal case,  
3 *U.S. v. Maher Fayez Kara, et al.*, No. CR 09-0417 MHP. Maher Kara, Michael Kara, and Emile  
4 Jilwan are accused of securities fraud based on the same factual allegations as those made in the  
5 Commission’s civil complaint. By a stipulation filed on April 15, 2020, the parties to the  
6 criminal action have requested that the Court set a criminal Trial and Motions Setting  
7 Conference on June 21, 2010. The defendants in the criminal action told the Court they need  
8 additional time to review evidence and pursue a resolution of the case. The Court has not yet set  
9 a trial date for either the criminal case or this related civil action.

10 Discovery is underway in the civil case, and the Commission has produced documents  
11 obtained during its investigation, pursuant to initial disclosure obligations and defendants’  
12 document requests, and defendants have responded to the document requests served by the  
13 Commission. The parties have conducted two third-party depositions, and have agreed to  
14 reschedule others in order to attempt to resolve the claims in the civil case.

15 **B. STIPULATION TO CONTINUE STATUS CONFERENCE AND DISCOVERY**

16 The parties to the civil case agree that the status conference and other discovery should  
17 be continued for approximately 60 days, and that discovery should be stayed until a further status  
18 conference is held. This short delay in the discovery in this action will permit the parties to the  
19 criminal case to work toward a resolution of that case, and permit the Commission and the  
20 parties to discuss resolution of the civil claims.

21 The parties stipulate to continuing the following dates, by 63 days:

22

<u>Event or deadline</u>	<u>Current Date</u>	<u>Proposed Continued Date</u>
23 Further Status Conference	April 26, 2010	June 28, 2010
24 Disclosure of witnesses, case in chief	July 12, 2010	September 13, 2010
25 Discovery cut-off	August 9, 2010	October 11, 2010
26 Plaintiff’s expert designation and reports	September 6, 2010	November 8, 2010
27 Defendants’ expert designation and reports	September 22, 2010	November 24, 2010

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<u>Event or deadline</u>	<u>Current Date</u>	<u>Proposed Continued Date</u>
Plaintiff's rebuttal expert designation and reports	October 8, 2010	December 10, 2010
Defendants' rebuttal expert designation and reports	October 15, 2010	December 17, 2010
Dispositive motions to be heard	November 29, 2010	January 31, 2011

Dated: April 19, 2009

/s/ Robert Tashjian  
 ROBERT TASHJIAN  
 Attorney for Plaintiff  
 SECURITIES AND EXCHANGE COMMISSION

/s/ George C. Harris  
 GEORGE C. HARRIS  
 Morrison & Foerster LLP  
 Attorneys for Defendant MAHER KARA

/s/ Ismail Ramsey  
 ISMAIL RAMSEY  
 Ramsey & Ehrlich LLP  
 Attorneys for Defendant MICHAEL F. KARA

/s/ William H. Green  
 WILLIAM H. GREEN  
 Attorneys for Defendant EMILE Y. JILWAN

/s/ Patrick W. Blegen  
 PATRICK W. BLEGEN  
 Attorneys for Defendant BASSAM Y. SALMAN

/s/ Matthew F. Leitman  
 MATTHEW F. LEITMAN  
 Miller Canfield Paddock and Stone, PLC  
 Attorneys for Defendant KARIM I. BAYYOUK

**GENERAL ORDER 45 ATTESTATION**

In accordance with General Order 45, each of the signatories to this documents have concurred in its filing, and I shall maintain records to support these concurrences.

/s/ Robert Tashjian  
 ROBERT TASHJIAN  
 Attorney for Plaintiff  
 SECURITIES AND EXCHANGE COMMISSION

1 **~~[PROPOSED]~~ ORDER**

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3 The Court has considered the materials and papers submitted by counsel in this matter  
4 and for good cause shown, IT IS HEREBY ORDERED as follows:

5 The Status Conference previously set for April 26, 2010 is vacated and rescheduled for  
6 June 28, 2010, at 3:00 p.m., with a joint status report to be filed one week prior to the  
7 conference.

8 Discovery in this case shall be stayed until the Status Conference on June 28, 2010.

9 The following discovery deadlines previously set by the Court are continued to the  
10 following dates:

11

12 Further Status Conference	June 28, 2010
13 Disclosure of witnesses, case in chief	September 13, 2010
14 Discovery cut-off	October 11, 2010
15 Plaintiff's expert designation and reports	November 8, 2010
16 Defendants' expert designation and reports	November 24, 2010
17 Plaintiff's rebuttal expert designation and reports	December 10, 2010
18 Defendants' rebuttal expert designation and reports	December 17, 2010
Dispositive motions to be heard	January 31, 2011

19  
20 IT IS SO ORDERED.

21 Dated: 4/20, 2010

