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17 Attorneys for Defendants  
 18 American Qualified Plans, Inc.; Todd Henry; and Gordon Storjohann

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA

21 DKS ASSOCIATES, a California Corporation;  
 22 DKS ASSOCIATES EMPLOYEE STOCK  
 OWNERSHIP PLAN AND TRUST,

23 Plaintiffs,

24 v.

25 AMERICAN QUALIFIED PLANS, INC.;  
 26 TODD HENRY; GORDON STORJOHANN;  
 and DOES 1-50, Inclusive,

27 Defendants.  
 28

CASE NO. C 10-01187 JCS

**STIPULATION AND [PROPOSED]  
 ORDER CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE TO  
 NOVEMBER 19, 2010**

JUDGE: Honorable Joseph C. Spero

1 Plaintiffs DKS Associates and DKS Associates Employee Stock Ownership Plan and  
2 Trust, and defendants American Qualified Plans, Inc., Todd Henry, and Gordon Storjohann,  
3 through their counsel of record herein, hereby STIPULATE and AGREE as follows:

4 1. On July 9, 2010, this Court generously ordered, so that the parties could devote  
5 themselves to mediation of this matter, that the joint report could be filed and the initial  
6 disclosures made in this matter by October 1, 2010, continued the Initial Case Management  
7 Conference to October 15, 2010 at 1:30 p.m., and stayed all discovery and other litigation until  
8 October 1, 2010. The parties requested such a stay and continuance so that they could devote  
9 themselves and their limited funds to an attempt to resolve this matter through negotiation and  
10 private mediation.

11 2. Plaintiffs' initially suggested mediator for this matter, Geoff Howard of Bingham  
12 McCutchen, LLP, recently became unavailable to serve as mediator of this matter through the  
13 end of the year due to his own trial schedule. The parties looked for alternative mediators and  
14 have now scheduled a mediation before the Honorable Ellen S. James (retired) to occur on  
15 October 21, 2010. The parties request a further continuance of the date to file their joint report,  
16 and make initial disclosures, to November 10, 2010; continuance of the Case Management  
17 Conference to November 19, 2010; and continuance of the stay on all discovery and other  
18 litigation to November 10, 2010. Such continuance will allow the parties to continue to devote  
19 themselves to the scheduled mediation and any follow-up settlement discussions thereafter if  
20 necessary, before devoting further resources to litigation of this matter.

21 Therefore, the parties STIPULATE, AGREE, AND RESPECTFULLY REQUEST that  
22 the Court continue the dates for the joint report to be filed, and initial disclosures made, to  
23 November 10, 2010; continue the Case Management Conference to November 19, 2010; and stay  
24 all discovery and other litigation until November 10, 2010.

1 SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED:

2  
3 DATED: September 14, 2010 JOHANSON BERENSON LLP

4 By: s/ David R. Johanson  
5 David R. Johanson  
6 Attorneys for Plaintiff  
7 DKS Associates

8 DATED: September 17, 2010 STEIKER, FISCHER, EDWARDS & GREENAPPLE, P.C.

9 By: s/ Margaret P. Steere  
10 Margaret P. Steere  
11 Attorneys for Plaintiff  
12 DKS Associates Employee Stock Ownership Plan and Trust

13 DATED: September 15, 2010 SEDGWICK, DETERT, MORAN & ARNOLD LLP

14 By: s/ Dennis G. Rolstad  
15 Dennis G. Rolstad  
16 Attorneys for Defendants  
17 American Qualified Plans, Inc.; Todd Henry; and Gordon  
18 Storjohann

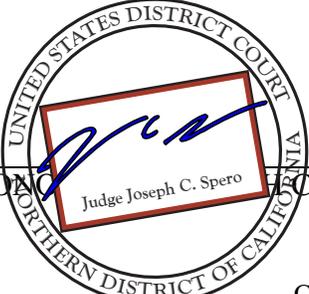
19 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
20 "conformed" signature (/s/) within this e-filed document.

21 s/ Dennis G. Rolstad  
22 Dennis G. Rolstad

23 **ORDER**

24 IT IS SO ORDERED that the joint report is to be filed, and initial disclosures made, by  
25 November 10, 2010; that the Initial Case Management Conference is continued from October 15,  
26 2010, to November 19, 2010, at 1:30 p.m.; and that all discovery and other litigation is stayed  
27 until November 10, 2010.

28 DATED: 09/20/10

HONORABLE JUDGE JOSEPH C. SPERO  
  
JUDGE JOSEPH C. SPERO