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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ARNOLD A. MCCLELLAN and ANNABEL
MCCLELLAN,

Defendants.

Case No. CV-10-5412-WHA

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME FOR
DEFENDANTS TO RESPOND TO
COMPLAINT**

Judge: Hon. William H. Alsup

1 This Stipulation is made pursuant to Local Rule 6-1(b) by and between Plaintiff
2 Securities and Exchange Commission (“SEC”), and Defendants Arnold McClellan and Annabel
3 McClellan (collectively, “Defendants”) through their respective attorneys. The SEC and
4 Defendants (collectively, the “parties”) stipulate that:

5 1. The parties previously stipulated to an extension of time for Defendants to
6 answer or otherwise respond to the complaint until February 25, 2011.

7 2. A case management conference in this case is currently set for March 11, 2011.

8 3. The parties have begun the meet and confer process, including several substantive
9 conversations, consistent with Federal Rule of Civil Procedure 26(f).

10 4. In the related criminal case currently pending before this Court, *U.S. v. Annabel*
11 *McClellan*, 3:10-cr-00860-WHA, the United States Attorney’s Office produced over 47,000
12 pages of material that is highly relevant to the SEC’s claims at issue here.

13 5. The Defendants have requested additional time to review this material, enable a
14 meaningful discussion of this case, and to prepare their answers or responses to the complaint in
15 view of the issues raised by the complaint and recently-produced material.

16 6. The SEC has agreed to this extension.

17 7. A status conference in *U.S. v. Annabel McClellan*, 3:10-cr-00860-WHA, is
18 currently set for April 5, 2011.

19 Based on the foregoing, the parties, by and through their counsel of record, have agreed
20 that Defendants’ time to answer or otherwise response to the complaint shall be extended for a
21 period of 55 days, or until April 20, 2011.

22 THEREFORE, the parties hereby stipulate as follows:

23 1. Defendants’ answer or response to the complaint shall be served and filed no later
24 than April 20, 2011.

25 2. The deadlines in the Court’s November 30, 2010 and December 21, 2010 case
26 management scheduling orders shall be vacated and rescheduled as follows:
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Date	Event
3/31/2011	Last day to meet and confer re: initial disclosures, early settlement, and discovery plan
4/14/2011	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report, and file Case Management Statement
4/21/2011	Initial Case Management Conference, Courtroom 9, 19th Floor at 3:00 p.m.

Dated: February 18, 2011

KEKER & VAN NEST LLP

By: /s/ Christopher Kearney

ELLIOT R. PETERS
CHRISTOPHER C. KEARNEY
Attorneys for Defendant
ARNOLD A. MCCLELLAN

Dated: February 18, 2011

CLARENCE DYER & COHEN LLP

By: /s/ Nanci Clarence

NANCI CLARENCE
NICOLE HOWELL NEUBERT
Attorneys for Defendant
ANNABEL MCCLELLAN

Dated: February 18, 2011

SECURITIES AND EXCHANGE
COMMISSION

The Court feels it is time to get this case moving. Counsel shall be prepared at the case management conference to discuss ways in which discovery and perhaps motion practice can proceed, even if defendants intend to exercise their rights under the Fifth Amendment.

By: /s/ Robert Tashjian

ROBERT TASHJIAN
LLOYD FARNHAM
Attorneys for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 28, 2011.

HONORABLE WILLIAM H. ALSUP