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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11
 12 SECURITIES AND EXCHANGE
 13 COMMISSION,

14 Plaintiff,

15 vs.

16 KIMON P. DAIFOTIS and RANDALL MERK,

17 Defendants.

Case No. CV-11-0137 WHA

STIPULATON AND
~~PROPOSED~~ ORDER
 REGARDING SETTLEMENT
 WITH DEFENDANT
 KIMON P. DAIFOTIS AND
 VACATING CASE MANAGEMENT
 CONFERENCE

1 WHEREAS, Plaintiff U.S. Securities and Exchange Commission (“SEC”) and
2 Defendant Kimon P. Daifotis (“Mr. Daifotis”) have reached a settlement which resolves all
3 of the claims in this case;

4 WHEREAS, Mr. Daifotis has executed a Consent to the entry of a proposed Final
5 Judgment, and copies of the Consent and proposed Final Judgment are submitted with this
6 Stipulation;

7 WHEREAS, the parties request that the Court enter the proposed Final Judgment
8 submitted herewith;

9 WHEREAS, the case management conference set for July 18, 2012 appears
10 unnecessary in light of the settlement of this matter;

11 THE PARTIES HEREBY STIPULATE AND AGREE, subject to the Court’s
12 approval, that the proposed Final Judgment submitted herewith be entered, and that the case
13 management conference set for July 18, 2012 be vacated.

14 **IT IS SO STIPULATED.**

15 DATED: July 16, 2012

Respectfully submitted,

16 ATTORNEYS FOR PLAINTIFF:

ATTORNEYS FOR DEFENDANT
17 KIMON P. DAIFOTIS:

18 /s/ David J. Gottesman

[Signed by consent – signature on file]

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 17, 2012.



William Alsup
UNITED STATES DISTRICT JUDGE