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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE  
COMMISSION

Plaintiff,

v.

KIMON P. DAIFOTIS and RANDALL MERK,

Defendants.

Civil Case No.: 11-cv-00137-WHA

**ORDER GRANTING DEFENDANTS'  
MOTION FOR LEAVE TO FILE  
MOTION FOR RECONSIDERATION**

Defendants Kimon P. Daifotis and Randall Merk, by and through their attorneys, Covington & Burling LLP and Brune & Richard LLP, respectively, moved for leave to file a motion for reconsideration of the order denying defendants' motions to dismiss the Securities and Exchange Commission's primary liability claims dated June 6, 2011.

Good cause appearing, the Court hereby orders that defendants be permitted to move for reconsideration of the portion of the June 6 order denying defendants' motions to dismiss the Commission's primary liability claims. Thus, defendants' motion for leave to file a motion for reconsideration is **GRANTED**.

**IT IS SO ORDERED.**

DATED: June 15, 2011.



HON. WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE