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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,

No. C 11-00137 WHA

Plaintiff,

**ORDER PARTIALLY GRANTING  
STIPULATED REQUESTS**

v.

KIMON DAIFOTIS and RANDALL MERK,

Defendants.

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The stipulated request for an order enlarging time for defendants' oppositions and plaintiff's reply on plaintiff's Motion for Leave to File First Amended Complaint and consolidating hearing dates on pending motions is granted in part and denied in part as follows.

The request to enlarge time for defendants' oppositions and plaintiff's reply on plaintiff's Motion for Leave to File First Amended Complaint is **DENIED AS MOOT**.

The request to consolidate hearing dates for defendants' Motion for Certification Pursuant to 28 U.S.C. 1292(b) and plaintiff's Motion for Leave to File First Amended Complaint is **GRANTED**. Thus, the hearing for defendants' Motion for Certification Pursuant to 28 U.S.C. 1292(b) is hereby **RESCHEDULED TO OCTOBER 6, 2011 AT 8 A.M.** The defendants' Motion for

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Certification will be heard at the same time as plaintiff's Motion for Leave to File First Amended  
Complaint.

**IT IS SO ORDERED.**

Dated: September 14, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE