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

12 SECURITIES AND EXCHANGE COMMISSION,  
 13 Plaintiff,  
 14 v.  
 15 FRANK MAZZOLA,  
 FELIX INVESTMENTS, LLC, and  
 16 FACIE LIBRE MANAGEMENT  
 ASSOCIATES, LLC,  
 17 Defendants.  
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Case No. 12-cv-1258 MMC  
 STIPULATION AND ~~PROPOSED~~ ORDER  
 EXTENDING TIME FOR DISCOVERY AND  
 RESCHEDULING TRIAL DATE

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1 WHEREAS, following the exchange of the parties' initial disclosures, plaintiff Securities and  
2 Exchange Commission (the "Commission") completed production of relevant documents that it  
3 collected during its pre-filing investigation;

4 WHEREAS, defendants timely responded to the Commission's Requests for Production and  
5 have begun producing responsive documents;

6 WHEREAS, defendants informed the Commission that due to the scope of documents  
7 potentially responsive to the Commission's requests, in particular, extensive electronically stored  
8 information, they do not believe that they can complete production of responsive documents until  
9 mid-April 2013 at the earliest;

10 WHEREAS, the parties anticipate the need for third party discovery, including depositions;

11 WHEREAS, the current cutoff for non-expert fact discovery, as Ordered by the Court, is  
12 April 19, 2013 (*see* Minute Order (Dkt. 30), attached; *see also* Pretrial Preparation Order (Dkt. 31));

13 WHEREAS, based on defendants' estimated time to complete production of responsive  
14 documents and the time required for anticipated third party discovery, the parties believe that they  
15 will need additional time to prepare for depositions of parties and non-parties in this matter, which  
16 would affect their ability to be ready for trial on October 21, 2013, the current trial date scheduled by  
17 the Court (*see id.*); and

18 WHEREAS, after meeting and conferring with counsel, including newly retained counsel for  
19 Defendants (*see* Dkt. 33), the parties agreed to make this request to the Court to modify the Pretrial  
20 Preparation Order (Dkt. 31) to extend the discovery period and reschedule the trial and pretrial dates.

21 THEREFORE, the parties hereby agree and stipulate that:

22 1. All written non-expert fact discovery shall, subject to Paragraph No. 5 below, be  
23 propounded with a return date on or before April 19, 2013;

24 2. Notwithstanding the limit on the number of depositions in Rule 30(a) of the Federal  
25 Rules of Civil Procedure, each party shall be entitled to take 15 depositions without seeking leave of  
26 Court;

27 3. Notices for all depositions of both parties and non-parties, subject to Paragraph No. 5,  
28 below, shall be served no later than April 19, 2013;

- 1           4.       All depositions of fact witnesses shall be completed no later than July 19, 2013;
- 2           5.       The parties shall meet and confer should any party determine that additional discovery  
3 is required to be propounded after the date set forth in Paragraph Nos. 1 and 3, above. If the parties  
4 stipulate to the additional discovery, then such discovery shall be allowed without leave of the  
5 Court. If the parties are not able to stipulate to the additional discovery, a party make seek leave of  
6 the Court to permit such discovery;
- 7           6.       A settlement conference before Magistrate Judge Joseph C. Spero, as previously  
8 ordered, shall take place in late July or early August 2013;
- 9           7.       Parties shall designate their experts, if any, and make disclosures pursuant to  
10 Rule 26(a) of the Federal Rules of Civil Procedure, no later than August 9, 2013;
- 11          8.       Parties shall designate their rebuttal experts, if any, and make disclosures pursuant to  
12 Rule 26(a) of the Federal Rules of Civil Procedure, no later than September 6, 2013;
- 13          9.       All expert discovery shall be completed by September 27, 2013;
- 14          10.      The parties shall file a Further Status Conference Statement no later than October 4,  
15 2013;
- 16          11.      The parties shall attend a Further Status Conference by telephone on October 11,  
17 2013, or at a time and date as the Court shall Order;
- 18          12.      The parties shall file dispositive motions, if any, no later than October 18, 2013;
- 19          13.      Lead trial counsel shall meet and confer pursuant to Rule 16-10(b)(5) of the Court's  
20 Local Rules no later than December 10, 2013;
- 21          14.      The parties shall attend a Pretrial Conference on January 7, 2014, at 10:00 a.m. PST,  
22 or at a time and date as the Court shall Order;
- 23          15.      Trial shall commence on January 20, 2014, at 9:00 a.m. PST or at a time and date as  
24 the Court shall Order; and

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1           16.     Except as modified above, the parties shall comply with the Court's Pretrial  
2 Preparation Order (Dkt. 31) entered July 17, 2012, in every other respect.

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4 DATED: March 11, 2013

Respectfully submitted,

5  
6 /s/ Robert L. Mitchell

ROBERT L. MITCHELL

7 Attorney for Plaintiff

SECURITIES AND EXCHANGE COMMISSION

8  
9 /s/ Jahan Raissi

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17 FACIE LIBRE MANAGEMENT

ASSOCIATES, LLC

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21           PURSUANT TO STIPULATION, IT IS SO ORDERED. An amended Pretrial Preparation Order  
22 will be filed concurrently herewith.

23 Dated: March 25, 2013

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United States District Court Judge