1	J. Noah Hagey, Esq. (SBN: 262331)		
2	hagey@braunhagey.com Mark P. Fickes, Esq. (SBN: 178570)		
3	fickes@braunhagey.com BRAUNHAGEY & BORDEN LLP		
4	220 Sansome Street, 2 nd Floor San Francisco, CA 94104		
5	Telephone: (415) 599-0210 Facsimile: (415) 276-1808		
6	ATTORNEYS FOR DEFENDANT		
7	PARON CAPITAL MANAGEMENT, LLC		
8			
9			
10	UNITED STATES DISTRICT COURT		
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
12	OAKLAND DIVISION		
13	UNITED STATES COMMODITY FUTURES)		
14	TRADING COMMISSION,	Case No. C 11-04577 CW	
15	Plaintiff,	Case 110. C 11 0 1577 C 11	
16	vs.	STIPULATION AND [PROPOSED]	
17	PARON CAPITAL MANAGEMENT, LLC, and () JAMES D. CROMBIE,	ORDER EXTENDING DEFENDANT PARON CAPITAL MANAGEMENT,	
18		LLC'S DEADLINE TO ANSWER OR FILE RESPONSIVE PLEADING TO	
19	Defendants.	THE COMPLAINT	
20			
21 22			
23			
24			
25			
26			
27			
28			
		Case No. C 11-04577 CW	
	STIPULATION AND [PROPOSED] ORDER		

1	Whereas, the deadline for Defendant Paron Capital Management, LLC ("Paron") to answer		
2	or file a responsive pleading to the complaint in this matter is January 11, 2012;		
3	Whereas, Plaintiff U.S. Commodity Futures Trading Commission ("CFTC") and Paron are		
4	engaged in settlement discussions that may obviate the need to respond to the complaint;		
5	Whereas, the CFTC and Paron seek a thirty (30) day extension to further explore		
6	settlement;		
7	Whereas Paron and proposed third party defendants Peter McConnon and Timothy Lyons		
8	are all plaintiffs in an action entitled Paron Capital Management, LLC et al. v. James D. Crombie,		
9	Case No. 6380-CVP (Del. Ch. Ct.) (the "Delaware Litigation");		
10	Whereas the parties in the Delaware litigation anticipate the Chancery Court to issue a final		
11	judgment after having tried the matter in October 2011;		
12	Whereas the parties in the Delaware litigation anticipate the Chancery Court will issue the		
13	final judgment on or before January 31, 2012;		
14	Whereas Paron and Messrs. McConnon and Lyons believe the final judgment will be res		
15	judicata on Defendant James D. Crombie's ("Crombie") third party complaint and Crombie's		
16	claims and defenses viz the CFTC complaint; and		
17	Whereas at the case management conference held on January 4, 2012, the Court set a		
18	deadline of February 16, 2012, for Messrs. McConnon and Lyons to file a motion to dismiss or		
19	other responsive pleading to Crombie's third party complaint.		
20	Therefore, the CFTC and Paron stipulate and agree, and ask the Court to order, that the		
21	deadline for Paron to respond to the complaint is extended up to and including February 16, 2012.		
22	IT IS SO STIPULATED.		
23			
24			
25			
26	///		
27	///		
28	/// Com No. 611 04577 6W		
	-2- Case No. C 11-04577 CW		

STIPULATION AND [PROPOSED] ORDER

1	Dated: January 10, 2012	BRAUNHAGEY & BORDEN LLP	
2			
3		By: /s J. Noah Hagey	
4		Attorneys for Defendant Paron Capital	
5		Management, LLC	
6	Detail: January 10, 2012	LLC COMMODITY ELITIBEC TRADING	
7	Dated: January 10, 2012	U.S. COMMODITY FUTURES TRADING COMMISSION	
8			
9		By: /s Jonathan P. Robell	
10			
11		Attorneys for Plaintiff U.S. Commodity Futures Trading Commission	
12			
13	Filer's attestation: Pursuant to General Oder No. 45.X.B, counsel for Paron attests that		
14	concurrence in the filing of this document has been obtained from Jonathan P. Robell, counsel for the CFTC.		
15		POSED] ORDER	
16	The Court has considered the stipulation of the CFTC and Paron and finds good cause to		
17			
18	order that the deadline for Paron to answer or file a responsive pleading to the complaint is		
19	extended up to and including February 16, 2012.		
20	IT IS SO ORDERED.		
21	Dated: January <u>11</u> , 2012	Chaleabet	
22		UNITED STATES DISTRICT JUDGE	
23			
24			
25			
26			
27			
28		-3- Case No. C 11-04577 CW	

STIPULATION AND [PROPOSED] ORDER