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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

12 UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

13 Plaintiffs,

14 v.

15 JOHN GRAY, CHRISTIAN KELLER, KYLE  
16 MARTIN, and AARON SHEPARD,

17 Defendants.  
18

Case No. C-15-00551 JSW

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING HEARING ON  
MOTION TO AMEND JUDGMENT  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 60**

Judge: Hon. Jeffrey S. White  
Current Hearing Date: July 22, 2016  
Crtrm.: 5, 2nd Floor

19  
20 WHEREAS, hearing on Defendant Christian Keller’s Motion to Amend Judgment  
21 Pursuant to Federal Rule of Civil Procedure 60 (“Motion to Amend Judgment”) is currently  
22 scheduled on shortened time for Friday, July 22, 2016;

23  
24 WHEREAS, hearing in the parallel criminal case, *United States v. Keller*, Case No. 15-cr-  
25 00428-JSW-1, on the restitution claim filed by Rovi Corporation is currently scheduled for  
26 September 20, 2016;

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1 WHEREAS, the Court’s ruling on the question of restitution in the parallel criminal case  
2 could obviate the need to decide the Motion to Amend Judgment;

3 WHEREAS, the parties believe that it would promote efficiency and economy of the  
4 parties and the Court and would further the interests of justice for the Court to continue hearing on  
5 the Motion to Amend Judgment to a date after the Court has ruled on the question of restitution in  
6 the parallel criminal case;

7  
8 WHEREAS, the Securities and Exchange Commission agrees to hold \$144,101.05 of any  
9 proceeds it receives from the sale of Mr. Keller’s home in a separate account pending a decision in  
10 the parallel criminal case regarding Rovi’s restitution claim and resolution of the Motion to  
11 Amend Judgment, and;

12  
13 WHEREAS, Mr. Keller agrees that, if he is not ordered to pay restitution to the Rovi  
14 Corporation in the parallel criminal case, he will withdraw his pending Motion to Amend  
15 Judgment in its entirety.

16  
17 THEREFORE, Mr. Keller and the Securities and Exchange Commission, through their  
18 respective counsel of record, hereby stipulate and move this Court to vacate hearing on the Motion  
19 to Amend Judgment currently set for July 22, 2016, such motion to be reset for hearing upon  
20 proper notice. Within 10 days of the filing of the Court’s decision in the parallel criminal case

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1 regarding Rovi’s restitution claim, Mr. Keller will withdraw the Motion to Amend Judgment or  
2 the parties will file a notice resetting a hearing date on that motion.

3 SO STIPULATED.

4 Dated: July 20, 2016

COBLENTZ PATCH DUFFY & BASS LLP

5 /s/ Timothy P. Crudo

6 TIMOTHY P. CRUDO  
7 Attorney for Christian Keller

8 /s/ Carol E. Schultze

9 CAROL E. SCHULTZE  
10 Attorney for Securities and Exchange Commission

11  
12 Good causing having been shown, hearing on Defendant Christian Keller’s Motion to  
13 Amend Judgment Pursuant to Federal Rule of Civil Procedure 60, currently scheduled for July 22,  
14 2016, is hereby vacated, such motion to be reset for hearing upon proper notice. Within 10 days  
15 of the filing of the Court’s decision in the parallel criminal case regarding Rovi’s restitution  
16 claim, Mr. Keller will withdraw the Motion to Amend Judgment or the parties will file a notice  
17 resetting a hearing date on that motion.  
18

19 IT IS SO ORDERED.

20 Dated: July 21, 2016

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22   
23 THE HONORABLE JEFFREY S. WHITE  
24 UNITED STATES DISTRICT JUDGE