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E-FILED - 2/6/08

6 Attorneys for Defendant
 Richard A. Nye
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION
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12 SECURITIES AND EXCHANGE
 COMMISSION,
 13

Plaintiff,

v.

15 KEITH G. BAXTER, RONALD J. GOEDDE,
 16 RICHARD D. NYE, ROBERT E.
 ELLINGTON and ANTHONY W. O'DELL,
 17

Defendants.

Case No. C 05 3843 RMW

JOINT STIPULATION AND
XXXXXXXXXXXXXXXXXXXX ORDER CONTINUING
CASE MANAGEMENT
CONFERENCE DATE

1 This Stipulation is entered into by and among plaintiff, the Securities and Exchange
2 Commission ("SEC"), and defendant Richard D. Nye, through their respective attorneys of record.
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4 WHEREAS, the next case management conference in this matter is currently scheduled for
5 February 15, 2008;
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7 WHEREAS, counsel for the SEC and Mr. Nye have discussed a proposed settlement which
8 will be submitted to the SEC Commissioners for their consideration. The parties now estimate that
9 the SEC Commissioners will likely not consider the proposal before the end of February, 2008.
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11 WHEREAS, the trial date and all pretrial submission dates of this matter have been vacated;
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13 NOW THEREFORE, the parties agree that the February 15, 2008 case management
14 conference shall be continued to March 21, 2008, or at such time as ordered by the Court.
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1 IT IS SO STIPULATED

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3 Respectfully submitted,

4 Dated: January 29, 2008

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15 /s/ Susan D. Resley

16 _____
17 Susan D. Resley
18 Attorneys for Defendant
19 Richard A. Nye

20 Dated: January 29, 2008

21 ELIZABETH KRUPA
22 SECURITIES AND EXCHANGE
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28 /s/ Elizabeth Krupa

_____ Elizabeth Krupa
Attorneys for Plaintiff United States Securities and
Exchange Commission

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XXXXXXXXXXXXXXXXXXXX ORDER

IT IS SO ORDERED:

Dated: 2/6/08 _____

Ronald M. Whyte

RONALD M. WHYTE
THE HONORABLE XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
UNITED STATES DISTRICT COURT
XXXXXXXXXXXXXXXXXXXXXXXXX JUDGE
DISTRICT