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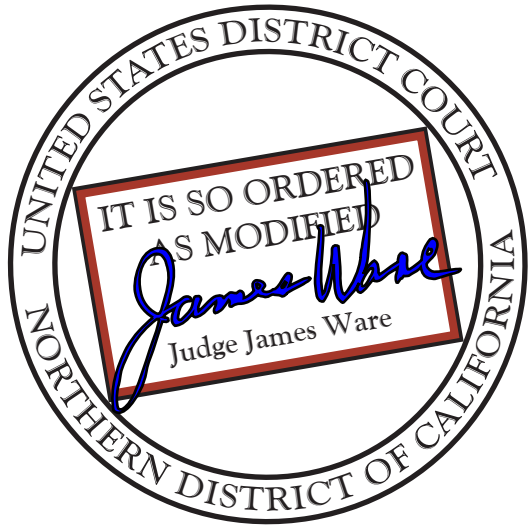
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 16 Bayerische Hypo- und Vereinsbank AG
 and HVB U.S. Finance, Inc.

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 18 **IN THE UNITED STATES DISTRICT COURT**
 19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN JOSE DIVISION**

21 JOHN C. REZNER, an individual,
 22
 Plaintiff,
 23 vs.
 24 BAYERISCHE HYPO-UND VEREINSBANK AG,
 a corporation; HVB STRUCTURED FINANCE, INC.,
 25 a corporation; and DOES ONE through THIRTY,
 26 inclusive,
 27 Defendants.
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CASE NO. C-06-2064-JW

STIPULATION AND
 [PROPOSED] ORDER
 REGARDING
 BRIEFING ON DEFENDANTS'
 MOTION TO STAY
 ENFORCEMENT OF THE
 STIPULATED JUDGMENT

1 WHEREAS, on July 10, 2009 the Court issued an order granting in part
2 defendants' motion to expedite, in which the Court ordered that Plaintiff file his
3 opposition to Defendants' motion to stay enforcement of the stipulated judgment (the
4 "Motion") on or before July 14, 2009, and that Defendants file their reply, if any, on or
5 before July 16, 2009;

6 WHEREAS, Plaintiff filed his opposition on July 14, 2009;

7 WHEREAS, HVB wishes to have an additional two weeks to file its reply brief
8 and make a proposal to Plaintiff that HVB believes may resolve the Motion by mutual
9 consent before the Motion is taken under submission by the Court;

10 WHEREAS, Plaintiff has no objection to an extension of time for HVB to file its
11 reply brief, but is not hereby agreeing to any other arrangement, including any of the
12 relief sought in HVB's Motion;

13 THEREFORE, the parties, by and through their respective counsel of record,
14 hereby respectively request that the Court permit Defendants to submit their reply papers
15 on or before July 30, 2009, and that the Court take the Motion under submission after
16 Defendants have submitted their reply.
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18 Dated: July 16, 2009

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21 By: Jenny Jonak /MPR
22 Attorneys for Plaintiff

23 Dated: July 16, 2009

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26 By: Mark P. Ressler
27 Attorneys for Defendants
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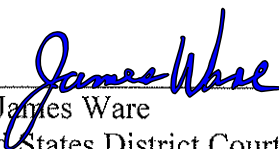
~~PROPOSED~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED that:

The Court GRANTS the parties' Stipulation. Defendants' reply brief in support of their motion to stay enforcement of the stipulated judgment shall be submitted on or before **July 24, 2009**. The Court notes that it was Defendants who requested an expedited schedule for this Motion. Accordingly, the Court grants Defendants a one-week extension to file their Reply or resolve this dispute with Plaintiff.

Dated: July 17, 2009



Hon. James Ware
United States District Court
Northern District of California