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 2 JAMES N. KRAMER (STATE BAR NO. 154709)  
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8 Attorneys for Defendant  
 9 SUSAN SKAER

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION

14 SECURITIES AND EXCHANGE  
 15 COMMISSION,

16 Plaintiff,

17 v.

18 MERCURY INTERACTIVE, LLC  
 19 (F/K/MERCURY INTERACTIVE, INC.),  
 20 AMNON LANDAN, SHARLENE  
 21 ABRAMS, DOUGLAS SMITH and SUSAN  
 22 SKAER,

23 Defendants.

Case No. 5:07-cv-02822-JF

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING CASE  
 SCHEDULE**

1 This Stipulation is entered into by and among Plaintiff, Securities and Exchange  
2 Commission, and Defendants Amnon Landan, Douglas Smith, and Susan Skaer (collectively,  
3 “Defendants”), through their respective attorneys of record.

4 WHEREAS, plaintiff filed the Second Amended Complaint on October 15, 2009;

5 WHEREAS, the briefing schedule set forth by the Federal Rules of Civil Procedure would  
6 require parties to undertake significant briefing over the Thanksgiving, Christmas and New Years  
7 holidays;

8 WHEREAS, after reviewing the Second Amended Complaint and discussing the current  
9 briefing schedule in light of the holidays and the SEC’s litigation schedule, the parties believe  
10 that a modest expansion of the current briefing schedule is necessary to enable the parties to  
11 prepare briefs that will assist the Court in reaching a just and efficient resolution of the issues that  
12 will be raised on the motion to dismiss.

13 The parties hereby STIPULATE and AGREE to extend the briefing schedule on  
14 Defendants’ motion to dismiss the Second Amended Complaint:

- 15 1. That Defendants shall file their motion to dismiss on or before December 4,  
16 2009; and
- 17 2. That Plaintiff shall file its opposition on or before January 27, 2010; and
- 18 3. That Defendants shall file their reply to the opposition on or before  
19 February 17, 2010.

20 Dated: October 26, 2009

MELINDA HAAG  
JAMES N. KRAMER  
M. TODD SCOTT  
ORRICK, HERRINGTON & SUTCLIFFE LLP

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23 */s/ M. Todd Scott*

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24 M. Todd Scott  
25 Attorneys for Defendant  
26 SUSAN SKAER  
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Dated: October 26, 2009

DAVID WILLIAMS  
SECURITIES AND EXCHANGE COMMISSION

*/s/ David Williams*

David Williams  
Attorneys for Plaintiff

*I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.*

Dated: October 26, 2009

JOHN D. CLINE  
K.C. MAXWELL  
JONES DAY

*/s/ John D. Cline*

John D. Cline  
Attorneys for Defendant  
AMNON LANDAN

*I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.*

Dated: October 26, 2009

JEFFREY S. FACTER  
EMILY V. GRIFFEN  
SHEARMAN & STERLING, LLP

*/s/ Emily V. Griffen*

Emily V. Griffen  
Attorneys for Defendant  
DOUGLAS SMITH

*I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.*

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~~PROPOSED~~ ORDER

Based on the Stipulation of the parties, and good cause appearing therefore,

**IT IS HEREBY ORDERED:**

1. That defendants shall file their motion to dismiss on or before December 4, 2009;
2. That plaintiffs shall file their opposition on or before January 27, 2010; and
3. That defendants shall file their reply to the opposition on or before February 17, 2010.
4. The hearing date for Defendants' motion to dismiss shall be scheduled by counsel for the parties with the clerk of this Court prior to the filing of Defendants' motion to dismiss or at such time as is convenient to the Court.

Dated October 28, 2009

  
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HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE