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

12 SECURITIES AND EXCHANGE COMMISSION,

13 Plaintiff,

14 v.

15 MERCURY INTERACTIVE, LLC (F/K/A/  
 MERCURY INTERACTIVE, INC.), AMNON  
 16 LANDAN, SHARLENE ABRAMS, DOUGLAS  
 SMITH and SUSAN SKAER,

17 Defendants.

Case No.: 5:07-C02822-JF

Assigned to Hon. Jeremy Fogel

18 STIPULATION AND ~~PROPOSED~~  
 ORDER RESCHEDULING HEARING ON  
 DEFENDANT DOUGLAS SMITH'S  
 MOTION TO CERTIFY ORDER FOR  
 INTERLOCUTORY APPEAL AND  
 19 EXTENDING MR. SMITH'S TIME TO  
 FILE REPLY BRIEF

20 Current Hearing Date: February 11, 2011

21 New Hearing Date: March 4, 2011

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

4 WHEREAS, the hearing on Mr. Smith’s motion to certify the Court’s September  
5 27, 2010 order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) is currently scheduled for  
6 February 11, 2011;

7 WHEREAS, Mr. Smith’s counsel has a conflict that prevents attendance at the  
8 hearing on that date;

9 WHEREAS, Mr. Smith has requested, and Plaintiff has agreed to provide, one  
10 week additional time for Mr. Smith to file his reply brief in support of the motion.

11 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
12 respective parties hereto, that:

13 (1) The hearing on Mr. Smith’s motion to certify the Court’s September 27, 2010  
14 order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) is rescheduled from February 11,  
15 2011 to March 4, 2011 at 9:00 a.m.; and

16 (2) The time for Mr. Smith to file his reply memorandum in support of the motion  
17 is extended until February 4, 2011.

18 Dated: January 26, 2011  
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DAVID WILLIAMS  
SECURITIES AND EXCHANGE COMMISSION

\_\_\_\_\_  
/s/  
David Williams  
Attorneys for Plaintiff

Dated: January 26, 2011

JEFFREY S. FACTER  
PATRICK D. ROBBINS  
EMILY V. GRIFFEN  
SHEARMAN & STERLING LLP

\_\_\_\_\_  
/s/  
Emily V. Griffen  
Attorneys for Defendant  
DOUGLAS SMITH

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~~PROPOSED~~ ORDER

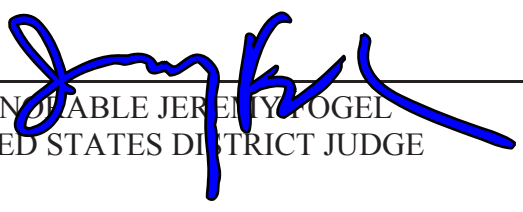
Based on the Stipulation of the parties, and good cause appearing therefore,

**IT IS HEREBY ORDERED** that:

(1) The hearing on Mr. Smith's motion to certify the Court's September 27, 2010 order for interlocutory appeal is rescheduled from February 11, 2011 to March 4, 2011 at 9:00 a.m.; and

(2) The time for Mr. Smith to file his reply memorandum in support of the motion is extended until February 4, 2011.

Dated: January 26, 2011

  
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HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

