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**\*\*E-Filed 5/10/2011\*\***

Attorneys for Defendant Douglas Smith

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE COMMISSION,  
  
Plaintiff,  
  
v.  
  
MERCURY INTERACTIVE, LLC (F/K/A/  
MERCURY INTERACTIVE, INC.), AMNON  
LANDAN, SHARLENE ABRAMS, DOUGLAS  
SMITH and SUSAN SKAER,  
  
Defendants.

Case No.: 5:07-C02822-JF  
  
Assigned to Hon. Jeremy Fogel  
  
STIPULATION AND ~~[PROPOSED]~~  
ORDER RESCHEDULING CASE  
MANAGEMENT CONFERENCE  
  
Current CMC Date: May 13, 2011  
  
New CMC Date: June 10, 2011

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

4 WHEREAS, at the previous Case Management Conference on April 15, 2011, the  
5 Court rescheduled the Case Management Conference for May 13, 2011 at 10:30 a.m., in  
6 anticipation of a ruling from the Ninth Circuit on Mr. Smith’s petition for interlocutory appeal  
7 filed April 18, 2011;

8 WHEREAS, Plaintiff filed its response to Mr. Smith’s petition for interlocutory  
9 appeal on May 3, 2011;

10 WHEREAS, the Ninth Circuit has not yet ruled on Mr. Smith’s petition for  
11 interlocutory appeal; and

12 WHEREAS, the parties agree that, based upon the Court’s prior inclination to  
13 reschedule the Case Management Conference to a date after the Ninth Circuit has ruled on  
14 Mr. Smith’s petition for interlocutory appeal, the current Case Management Conference set for  
15 May 13, 2011 at 10:30 a.m. should be continued at least four weeks.

16 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
17 respective parties hereto, subject to Court approval, that the Case Management Conference  
18 currently set for May 13, 2011 at 10:30 a.m. will be moved to June 10, 2011 at 10:30 a.m., or the  
19 next date the Court is available.

20  
21 Dated: May 6, 2011

A. DAVID WILLIAMS (State Bar No. 183854)  
Securities and Exchange Commission

22  
23 /s/ A. David Williams  
24 \_\_\_\_\_  
A. David Williams  
Attorneys for Plaintiff  
25 SECURITIES AND EXCHANGE COMMISSION  
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Dated: May 6, 2011

JEFFREY S. FACTER  
PATRICK D. ROBBINS  
EMILY V. GRIFFEN  
Shearman & Sterling LLP

/s/ Emily V. Griffen

Emily V. Griffen  
Attorneys for Defendant  
DOUGLAS SMITH

Dated: May 6, 2011

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/s/ Andrew T. Solomon

Andrew T. Solomon  
Attorneys for Defendant  
AMNON LANDAN

Dated: May 6, 2011

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Orrick, Herrington & Sutcliffe LLP

/s/ M. Todd Scott

M. TODD SCOTT  
Attorneys for Defendant  
SUSAN SKAER

~~PROPOSED~~ ORDER

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

**IT IS HEREBY ORDERED** that the Case Management Conference currently scheduled for May 13, 2011 at 10:30 a.m. is vacated. The Case Management Conference will be held on June 10, 2011 at 10:30 a.m.

Dated: May 10, 2011

HONORABLE JUDITH FOGEL  
UNITED STATES DISTRICT JUDGE

