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7 Attorneys for Defendant Douglas Smith

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

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.
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Case No.: 5:07-C02822-JF

Assigned to Hon. Jeremy Fogel

STIPULATION AND ~~[PROPOSED]~~
ORDER RESCHEDULING CASE
MANAGEMENT CONFERENCE

Current CMC Date: June 10, 2011

New CMC Date: July 15, 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 June 10, 2011 at 10:30 a.m. should be continued at least five 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 June 10, 2011 at 10:30 a.m. will be moved to July 15, 2011 at 10:30 a.m., or the
19 next date the Court is available.

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21 Dated: June 3, 2011

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

22
23 /s/ A. David Williams

24 A. David Williams
25 Attorneys for Plaintiff
26 SECURITIES AND EXCHANGE COMMISSION
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1 Dated: June 3, 2011

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

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5 /s/ Emily V. Griffen

Emily V. Griffen
Attorneys for Defendant
DOUGLAS SMITH

6
7 Dated: June 3, 2011

FRANKLIN B. VELIE (admitted *pro hac vice*)
ANDREW T. SOLOMON (admitted *pro hac vice*)
Sullivan & Worcester LLP

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10 /s/ Andrew T. Solomon

Andrew T. Solomon
Attorneys for Defendant
AMNON LANDAN

11
12 Dated: June 3, 2011

JAMES N. KRAMER (State Bar No. 154709)
JAMES A. MEYERS (admitted *pro hac vice*)
M. TODD SCOTT (State Bar No. 226885)
Orrick, Herrington & Sutcliffe LLP

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16 /s/ James A. Meyers

JAMES A. Meyers
Attorneys for Defendant
SUSAN SKAER

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20 **{PROPOSED} ORDER**

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

22 **IT IS HEREBY ORDERED** that the Case Management Conference currently scheduled
23 for June 10, 2011 at 10:30 a.m. is vacated. The Case Management Conference will be held on
24 July 15, 2011 at 10:30 a.m.

25 Dated: June 7, 2011

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HONORABLE JEREMY FOJEL
UNITED STATES DISTRICT JUDGE

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Emily V. Griffen, attest that concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3rd day of June, 2011 at San Francisco, California.

By: /s/ Emily V. Griffen
Emily V. Griffen

Attorneys for Defendant Douglas Smith