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 2 Attorneys for Plaintiff  
 3 SECURITIES AND EXCHANGE COMMISSION  
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 7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 SECURITIES AND EXCHANGE  
 13 COMMISSION,

14 Plaintiff,

15 vs.

16 MARK LESLIE, et al.,

17 Defendants.

Civil Action No. C 07-3444 JF

[XXXXXXXXXXXX] **CONSENT ORDER**

Hon. Jeremy Fogel

18  
 19 Defendants Mark Leslie, Paul Sallaberry, and Kenneth Lonchar have requested the discovery  
 20 of documents from Plaintiff U.S. Securities and Exchange Commission (SEC) pertaining to some  
 21 witness interview reports, known as Federal Bureau of Investigation (FBI) 302s. Some of the  
 22 documents responsive to the defendants' request may be subject to the restrictions of the Privacy Act.  
 23 After discussions among counsel, the parties have agreed as follows:

- 24 (1) The FBI's production of 302 documents in this matter is pursuant to this Consent  
 25 Order and not contrary to the Privacy Act of 1974. 5 U.S.C. § 552a(b)(11).  
 26  
 27 (2) Documents produced by the FBI for inspection and copying by the defendants shall be  
 28 held in confidence by counsel. They should be made available only to counsel, consultants, and

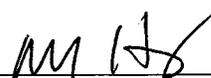
CONSENT ORDER  
 SEC v. MARK LESLIE, et al., Civil Action No. C  
 07-3444 -JF

advisors of counsel, and to the parties represented by counsel. Unless otherwise agreed to by counsel or ordered by the Court, such documents may be used only for the purpose of this litigation, and all copies will be destroyed by the defendant and his counsel at the termination of this case. Counsel shall also provide a certification that all copies were destroyed pursuant to this Order to the FBI and the SEC.

(3) All persons having access to the documents subject to this Order will first agree not to further disclose the documents, or the information they contain, other than in conformance with this Order (or such further Order as the Court may enter), or the provisions of the Privacy Act, 5 U.S.C. § 552a(b). Each person with access to the documents will execute an Acknowledgment of Stipulation and Order (Acknowledgment). Each executed Acknowledgement will be maintained by defendant's counsel in a secure location, and will be subject to disclosure upon showing of good cause. The Acknowledgment has been attached hereto as Exhibit A.

**AGREED AND CONSENTED TO:**

Dated: 3-4-09

  
Richard Hong  
Counsel for Plaintiff Securities and Exchange Commission

Dated:

William P. Keane  
Counsel for defendant Mark Leslie

Dated:

Susan D. Resley  
Counsel for defendant Kenneth E. Lonchar

Dated:

Jahan P. Raissi  
Counsel for defendant Paul A. Sallaberry

**IT IS HEREBY ORDERED THAT**

1 advisors of counsel, and to the parties represented by counsel. Unless otherwise agreed to by counsel  
2 or ordered by the Court, such documents may be used only for the purpose of this litigation, and all  
3 copies will be destroyed by the defendant and his counsel at the termination of this case. Counsel  
4 shall also provide a certification that all copies were destroyed pursuant to this Order to the FBI and  
5 the SEC.

6 (3) All persons having access to the documents subject to this Order will first agree not to  
7 further disclose the documents, or the information they contain, other than in conformance with this  
8 Order (or such further Order as the Court may enter), or the provisions of the Privacy Act, 5 U.S.C. §  
9 552a(b). Each person with access to the documents will execute an Acknowledgment of Stipulation  
10 and Order (Acknowledgment). Each executed Acknowledgment will be maintained by defendant's  
11 counsel in a secure location, and will be subject to disclosure upon showing of good cause. The  
12 Acknowledgment has been attached hereto as Exhibit A.

13  
14 **AGREED AND CONSENTED TO:**

15 Dated:

16 \_\_\_\_\_  
17 Richard Hong  
18 Counsel for Plaintiff Securities and Exchange  
Commission

19 Dated: 2/27/09

20 \_\_\_\_\_  
21 ~~William P. Keane~~ Tony Schoenberg  
Counsel for defendant Mark Leslie

22 Dated: 2/27/09

23 \_\_\_\_\_  
24 ~~Susan D. Resley~~ Robin Lingenmaier  
Counsel for defendant Kenneth E. Lonchar

25 Dated: 2/27/09

26 \_\_\_\_\_  
27 Jahan P. Raissi / GREGG FARANO  
Counsel for defendant Paul A. Sallaberry

28 **IT IS HEREBY ORDERED THAT**

1 (1) The FBI's production of 302 documents in this matter is pursuant to this Consent  
2 Order and not contrary to the Privacy Act of 1974. 5 U.S.C. § 552a(b)(11).

3 (2) Documents produced by the FBI for inspection and copying by the defendants shall be  
4 held in confidence by counsel. They should be made available only to counsel, consultants, and  
5 advisors of counsel, and to the parties represented by counsel. Unless otherwise agreed to by counsel  
6 or ordered by the Court, such documents may be used only for the purpose of this litigation, and all  
7 copies will be destroyed by the defendant and his counsel at the termination of this case. Counsel  
8 shall also provide a certification that all copies were destroyed pursuant to this Order to the FBI and  
9 the SEC.  
10

11 (3) All persons having access to the documents subject to this Order will first agree not to  
12 further disclose the documents, or the information they contain, other than in conformance with this  
13 Order (or such further Order as the Court may enter), or the provisions of the Privacy Act, 5 U.S.C. §  
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15 and Order. Each executed Acknowledgement will be maintained by defendant's counsel in a secure  
16 location, and will be subject to disclosure upon showing of good cause. The Acknowledgment has  
17 been attached hereto as Exhibit A.  
18  
19  
20

21 Dated: March 5, 2009

Hon. .XXXXXXXXXXXXXXXX Patricia V. Trumbull  
United States I XXXXXXXXXXXXXXXX

Magistrate Judge

EXHIBIT A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

MARK LESLIE, et al.,

Defendants.

Civil Action No. C 07-3444 JF

**ACKNOWLEDGMENT OF CONSENT  
ORDER**

I, \_\_\_\_\_, hereby acknowledge, under penalty of perjury, that I have read  
the Consent Order entered by the Court on \_\_\_\_\_, 2009. I am familiar with the  
specific terms of the Consent Order and agree to be bound by its terms. I further understand that I am  
subject to the contempt powers of this Court for violation of the Consent Order.

\_\_\_\_\_

Date: \_\_\_\_\_