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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

U.S. SECURITIES & EXCHANGE)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
MARK LESLIE, ET AL.,)
)
Defendants.)
_____)

Case No.: C 07-03444 JF (PVT)
**ORDER REGARDING MID-
DEPOSITION DISPUTE**

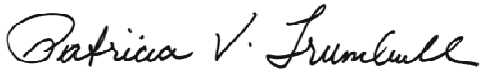
On October 2, 2009, the court conducted a telephonic hearing regarding a dispute that had arisen during the deposition of the expert witness, Jay Howell.¹ A. David Williams appeared on behalf of the U.S. Securities & Exchange Commission. Robert Schaffer appeared on behalf of defendant Paul A. Sallaberry. Danielle P. Van Wert appeared on behalf of defendant Kenneth E. Lonchar. William Keane appeared on behalf of defendant Mark Leslie. Based on the arguments presented,

IT IS HEREBY ORDERED that defendant Sallaberry’s objections regarding arguably broadly- phrased questions, such as “Do you agree or disagree with [specific sections of] the report of the rebuttal witness?” and “Do you agree or disagree with [certain allegations alleged in] the complaint?” are overruled.

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 IT IS FURTHER ORDERED that defendant Sallaberry's objections to questions relating
2 to the application of accounting principles to the particular transaction at issue are sustained.
3 Defendant Sallaberry represents that other expert witnesses will later testify regarding these
4 questions.

5 Dated: October 2, 2009

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7 PATRICIA V. TRUMBULL
8 United States Magistrate Judge
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