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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE )  
COMMISSION, )  
 )  
Plaintiff, )  
v. )  
MARK LESLIE, ET AL., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No.: C 07-03444 JF (PVT)

**ORDER SETTING BRIEFING  
SCHEDULE ON DEFENDANT  
LONCHAR'S MOTION TO QUASH  
SUBPOENA**

**[Docket No. 227]**

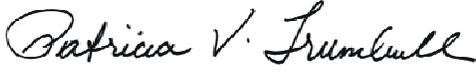
Defendant Kenneth E. Lonchar moves to quash a subpoena and preclude use of any documents obtained pursuant to that subpoena. *See*, Motion to Quash Subpoena and Preclude Use of Documents Obtained Pursuant Thereto for Violation of Court Order and Federal Rules of Civil Procedure filed on December 28, 2009. (Docket No. 227). To date, plaintiff SEC has not opposed the motion.<sup>1</sup> Accordingly,

IT IS HEREBY ORDERED that plaintiff SEC shall file an opposition, if any, no later than January 15, 2010 and defendant Lonchar shall file a reply no later than January 22, 2010.

<sup>1</sup> Defendant Lonchar's motion notes that plaintiff SEC stated that it would be unable to provide a response the week of December 21, 2009 due to holiday travel. Motion at 4. Additionally, plaintiff SEC represented to defendant Lonchar that it would oppose any motion to quash. To date, however, no opposition has been filed and no request for a response date has been made. Accordingly, this order follows.

1 IT IS FURTHER ORDERED that the motion will be taken under submission pursuant to  
2 Civ. L.R. 7-1(b).

3 Dated: January 8, 2010

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5 PATRICIA V. TRUMBULL  
6 United States Magistrate Judge  
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