

1 EDWARD P. DAVIS, JR. (STATE BAR NO. 56847)  
 edavis@orrick.com  
 2 MARK E. BECK (STATE BAR NO. 65163)  
 mbeck@orrick.com  
 3 SUSAN D. RESLEY (STATE BAR NO. 161808)  
 sresley@orrick.com  
 4 ROBIN A. LINSENMAYER (STATE BAR NO. 244656)  
 rlinsenmayer@orrick.com  
 5 DANIELLE VAN WERT (STATE BAR NO. 218245)  
 dvanwert@orrick.com  
 6 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 1000 Marsh Road  
 7 Menlo Park, CA 94025  
 Telephone: +1-650-614-7400  
 8 Facsimile: +1-650-614-7401

9 Attorneys for Defendant  
 Kenneth E. Lonchar

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 SECURITIES AND EXCHANGE  
 15 COMMISSION,

16 Plaintiff,

17 vs.

18 MARK LESLIE, *et al.*,

19 Defendants.

Case No. 5:07-cv-03444-JF

**STIPULATION AND JOINT REQUEST  
 FOR [PROPOSED] ORDER REGARDING  
 BRIEFING SCHEDULE**

20  
21  
22  
23  
24  
25  
26  
27  
28

1 This Stipulation is entered into by and among Plaintiff, the Securities and Exchange  
2 Commission (“SEC”) and Defendant Kenneth E. Lonchar (“Lonchar”), through their respective  
3 attorneys of record.

4 WHEREAS, on July 14, 2011, the Court entered an Order granting Lonchar’s request to  
5 file a further motion for summary judgment in the matter (the “Motion”), but did not set a  
6 briefing schedule or hearing date for the Motion.

7 WHEREAS, on August 19, 2011, Lonchar filed his Motion with the Court.

8 WHEREAS, on September 9, 2011, the Court informed counsel for the SEC and Lonchar  
9 that the Court would like to set a date of December 9, 2011 for the hearing on Lonchar’s Motion.

10 WHEREAS, the September 9, 2011 communication from the Court also asked the parties  
11 to submit a stipulation and proposed order regarding a briefing schedule for the Motion.

12 THEREFORE, the parties hereby STIPULATE, AND JOINTLY REQUEST THE  
13 COURT TO APPROVE, a briefing schedule as follows:

- 14 1. The SEC shall file its opposition to Lonchar’s Motion on or before October 21, 2011.
- 15 2. Lonchar shall file his reply brief in support of his Motion on or before November 4,  
16 2011.
- 17 3. The Parties shall argue the Motion on December 9, 2011.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: September 14, 2011

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Susan D. Resley

SUSAN D. RESLEY

Attorneys for Defendant Kenneth E. Lonchar

Dated: September 14, 2011

Securities and Exchange Commission

/s/ With Permission

Richard Hong

Attorneys for Plaintiff, Securities and Exchange  
Commission

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Pursuant to stipulation, and good cause appearing therefore, IT IS HEREBY ORDERED

THAT:

1. The SEC shall file its opposition to Lonchar’s Motion on or before **October 21, 2011**.
2. Lonchar shall file his reply brief in support of his Motion on or before **November 4, 2011**.
3. The Parties shall argue the Motion on **December 9, 2011**.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
THE HONORABLE JEREMY TOGEL