

1 Douglas R. Young (State Bar No. 073248)
dyoung@fbm.com
 2 William P. Keane (State Bar No. 124756)
wkeane@fbm.com
 3 Anthony P. Schoenberg (State Bar No. 203714)
aschoenberg@fbm.com
 4 Jessica K. Nall (State Bar No. 215149)
jnall@fbm.com
 5 Amarra A. Lee (State Bar No. 245679)
alee@fbm.com
 6 Farella Braun + Martel LLP
 235 Montgomery Street, 17th Floor
 7 San Francisco, CA 94104
 Telephone: (415) 954-4400
 8 Facsimile: (415) 954-4480
 9 Attorneys for Defendant
 MARK LESLIE

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

14 SECURITIES AND EXCHANGE
 COMMISSION,

15 Plaintiff,

16 vs.

17 MARK LESLIE, KENNETH E. LONCHAR,
 18 PAUL A. SALLABERRY, MICHAEL M.
 CULLY AND DOUGLAS S. NEWTON,

19 Defendants.
 20

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

**STIPULATION EXTENDING TIME
 FOR ALL DEFENDANTS TO RESPOND
 TO AMENDED COMPLAINT**

21 Pursuant to Local Rules 7-1 and 52-9, Plaintiff Securities and Exchange Commission
 22 (“SEC”) and Defendants Mark Leslie, Kenneth E. Lonchar and Paul A. Sallaberry
 23 (“Defendants”), by and through counsel, hereby stipulate as follows:

- 24 1. Pursuant to Federal Rule of Civil Procedure 12 (b)(6), Defendants moved to
 25 dismiss the SEC’s complaint on October 5, 2007.
- 26 2. The Court issued its order regarding Defendants’ motions to dismiss on August 19,
 27 2008.
- 28 3. The SEC filed an amended complaint on September 18, 2008.

1 4. Pursuant to Fed. R. Civ. P. 15(a), Defendants now have until October 2, 2008 to
2 plead or otherwise respond to the SEC's amended complaint.

3 5. Defendants have requested an extension of 20 days to plead or otherwise respond
4 to the SEC's amended complaint.

5 6. The SEC does not object to such an extension.

6 Accordingly, the parties hereby stipulate that Defendants are granted an extension of time
7 until October 22, 2008 in which to file an answer or other responsive pleading.

8 I represent that concurrence in the filing of this document has been obtained from each of
9 the other signatories which shall serve in lieu of their signatures on this document.

10 IT IS SO STIPULATED.

11
12 Dated: September 25, 2008

Respectfully submitted,

13 FARELLA BRAUN + MARTEL LLP

14
15 By: /s/ Anthony P. Schoenberg
Anthony P. Schoenberg

16 Attorneys for Defendant Mark Leslie

17 Dated: September 25, 2008

U.S. SECURITIES AND EXCHANGE
COMMISSION

18
19
20 By: /s/ Richard Hong
Richard Hong

21 Attorneys for Plaintiff Securities and Exchange
22 Commission

23 Dated: September 25, 2008

SHARTSIS FRIESE LLP

24
25 By: /s/ Jahan P. Raissi
Jahan P. Raissi

26 Attorneys for Defendant Paul A. Sallaberry
27
28

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 25, 2008

ORRICK HERRINGTON & SUTCLIFFE LLP

By: /s/ Danielle Van Wert
Danielle Van Wert

Attorneys for Defendant Kenneth E. Lonchar

ORDER

Pursuant to stipulation, and good cause appearing therefore, IT IS HEREBY ORDERED that Defendants Mark Leslie, Kenneth E. Lonchar and Paul A. Sallaberry have up to and including October 22, 2008 to plead or otherwise respond to the First Amended Complaint.

IT IS SO ORDERED.

DATED: 9/30/08



HONORABLE JEREMY FOGEL
United States District Judge