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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

13 SECURITIES AND EXCHANGE
 14 COMMISSION,

15 Plaintiff,

16 v.

17 MARK LESLIE, et al,

18 Defendants.

Case No. C 07-3444 JF

**STIPULATION AND JOINT
 REQUEST FOR ~~PROPOSED~~
 ORDER SETTING CASE SCHEDULE**

Complaint Filed: July 2, 2007
 Judge: Hon. Jeremy Fogel
 Trial Date: December 4, 2009

1 This Stipulation is entered into by and among Plaintiff, the Securities and Exchange
2 Commission ("SEC"), and Defendants Kenneth E. Lonchar, Mark Leslie and Paul A. Sallaberry
3 (collectively, "Defendants"), through their respective attorneys of record.

4 WHEREAS Plaintiff SEC filed its complaint in this action on July 2, 2007 and
5 Defendants moved to dismiss the SEC's complaint;

6 WHEREAS, on March 7, 2008, Plaintiff SEC and Defendants submitted a Supplemental
7 Case Management Statement setting forth certain agreed upon dates for completing discovery and
8 dispositive motions;

9 WHEREAS on March 21, 2008, the United States District Court for the Northern District
10 of California, San Jose Division, Judge Jeremy Fogel presiding, entered an Order setting a Jury
11 Trial in the above-captioned case for December 4, 2009, the pretrial conference for November 20,
12 2009 and the cut-off for filing dispositive motions for June 27, 2009;

13 WHEREAS, following the Court's ruling on Defendants' motions to dismiss the SEC's
14 Complaint, Defendants each filed Answers to the Amended Complaint on October 22, 2008; and

15 WHEREAS Plaintiff and Defendants agree that modification of the prior discovery and
16 dispositive motion schedules is appropriate in light of the complex nature of the issues raised in
17 this case, the large volume of documents produced in this case (Defendants contend that they
18 have received more than 26 million pages of documents from the SEC and expect to
19 receive additional documents from third parties they have subpoenaed) and because Answers
20 were recently filed; however, such modification does not alter the trial date or the scheduled date
21 for pretrial conference in this case.

22 THEREFORE, for the convenience of the parties, the parties hereto STIPULATE, AND
23 JOINTLY REQUEST THE COURT TO APPROVE, a revised schedule as follows:
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1. The Parties shall complete fact discovery no later than June 12, 2009;
2. The Parties shall file and serve expert disclosures and initial reports no later than June 30, 2009;
3. The Parties shall file reports in opposition no later than July 17, 2009;
4. The Parties shall complete expert discovery no later than August 7, 2009; and
5. The Parties shall file dispositive motions no later than September 4, 2009.

Dated: October 29, 2008

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Susan D. Resley
EDWARD P. DAVIS, JR.
SUSAN D. RESLEY

Attorneys for Defendant, Kenneth E. Lonchar

Dated: October 29, 2008

FARELLA BRAUN & MARTEL LLP

/s/ with permission
DOUGLAS YOUNG
WILLIAM P. KEANE

Attorneys for Defendant, Mark Leslie

Dated: October 29, 2008

SHARTSIS FRIESE LLP

/s/ with permission
JAHAN P. RAISSI
GREGG S. FARANO

Attorneys for Defendant, Paul A. Sallaberry

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Dated: October 29, 2008

SECURITIES AND EXCHANGE COMMISSION

/s/ with permission

RICHARD HONG

*Attorneys for Plaintiff, Securities & Exchange
Commission*

Based on the Stipulation and Joint Request of the parties, and good cause appearing
therefore, **IT IS SO ORDERED.**

Dated 10/30, 2008.



HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT JUDGE