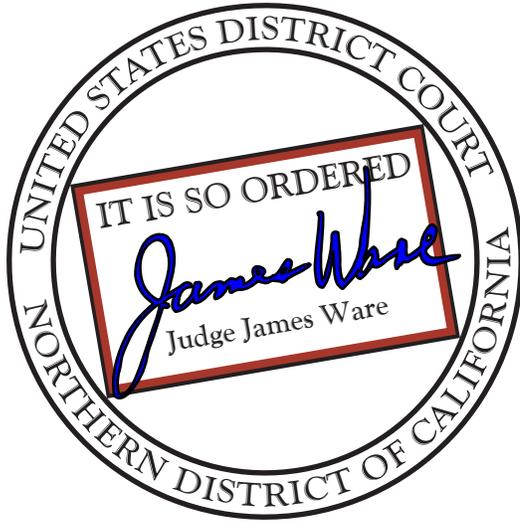


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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

18 SECURITIES AND EXCHANGE
 COMMISSION
 19 *Plaintiff,*
 20 v.
 21 KENNETH L. SCHROEDER
 22 *Defendant.*

No. C-07-3798-JW

STIPULATION AND [PROPOSED] 
 MODIFIED SCHEDULING ORDER

24 Plaintiff United States Securities and Exchange Commission and defendant Kenneth L.
 25 Schroeder, in light of the Court's rulings at the Case Management Conference held on January 12,

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1 2009, and to reflect those rulings as well as other agreements of the parties, stipulate and agree to
2 the following¹:

3 **1. Further Case Management Conference**

4 The parties shall appear for a further Case Management Conference on April 6, 2009, at 10:00
5 a.m.

6 **2. Close of Fact Discovery**

7 The close of fact discovery in this case, unless otherwise ordered by the Court, shall be 180 days
8 from the later of: (a) ten days after the ruling of Magistrate Judge Howard R. Lloyd on
9 Schroeder's Motion to Compel (Document 75); or (b) a ruling by this Court on any appeal from
10 Magistrate Judge Lloyd's ruling on Schroeder's Motion to Compel.²

11 **3. Disclosure of Expert Witnesses**

12 Any party wishing to present expert witness testimony with respect to a claim or a defense shall
13 lodge with the Court and serve on all other parties the name, address, qualifications, résumé and a
14 written report which complies with Fed. R. Civ. P. 26(a)(2)(B) no later than 30 days after the
15 close of fact discovery. Expert witness disclosure must be made with respect to a person who is
16 either (a) specially retained or specially employed to provide expert testimony pursuant to
17 Fed.R.Evid. 702 or (b) a regular employee or agent or treating physician who may be called to
18 provide expert opinion testimony. The parties are also required to lodge any supplemental reports
19 to which any expert will testify at trial in accordance with Fed. R. Civ. P. 26(a)(2)(B).

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22 ¹ The parties disagreed at the Case Management Conference with regard to the appropriate
23 length of time for discovery in this case, and Mr. Schroeder continues to believe that a longer
24 period will be necessary. Without waiving his right to seek additional time from the Court should
25 the need arise, Mr. Schroeder has entered into this stipulation to reflect the Court's rulings on
for discovery.

26 ² At the January 12 Case Management Conference, the Court stated that the close of discovery
27 would be six months (180 days) after the later of a ruling on the Motion to Compel by Magistrate
28 Judge Lloyd or by Judge Ware on any appeal from that ruling. The parties conferred after the
Case Management Conference and agreed that this 180-day deadline was more appropriate for the
close of fact discovery, with expert disclosures and discovery to follow as set forth herein. The
parties request that the Court enter this order accordingly.

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Dated: January 15, 2009

DLA PIPER LLP (US)

By: /s/ Jeffrey B. Coopersmith

JEFFREY B. COOPERSMITH

Attorneys for Defendant

KENNETH L. SCHROEDER

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ORDER

IT IS SO ORDERED.

Dated: January 23, 2009



JAMES WARE
United States District Court