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

15 SECURITIES AND EXCHANGE COMMISSION,
 16 Plaintiff,
 17 vs.
 18 LISA C. BERRY,
 19 Defendant.

Case No. C-07-4431-RMW (HRL)

**STIPULATION AND ~~PROPOSED~~
 ORDER TO SHORTEN TIME AND
 BRIEFING SCHEDULE
 AS MODIFIED BY THE COURT**

~~Proposed Hearing Date (if required):
 Tuesday, May 24, 2011
 Time: 10:00 a.m.
 Place: Courtroom 2, Fifth Floor~~

Magistrate Judge Howard R. Lloyd

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 25 Whereas Plaintiff Securities and Exchange Commission (“SEC” or “Commission”) and
 26 Defendant Lisa C. Berry (“Ms. Berry”) have reached an impasse over an expert discovery matter,
 27 despite efforts to meet and confer on the topic;
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1 Whereas the Commission has informed Ms. Berry's counsel that the Commission will file a
2 motion pursuant to Rule 26(b)(4) of the Federal Rules of Civil Procedure seeking the Court's ruling
3 on whether each party should be required to incur the costs of any fees charged by experts the party
4 has itself retained for this litigation in connection with depositions of such persons by the opposing
5 party;

6 Whereas the expeditious determination of this issue will aid in the timely payment of experts
7 retained for this litigation;

8 Whereas the proposed briefing schedule, and the hearing on shortened notice should the Court
9 determine that a hearing is necessary, will not affect any of the other dates in this case;

10 It is therefore stipulated and agreed, and the parties ask the Court to adopt as its order, the
11 following schedule for briefing, and to the extent the Court deems necessary hearing, the
12 Commission's motion:

13 SEC to file motion: May 12, 2011, by or before 1:00 p.m.

14 Ms. Berry to respond to SEC's motion: May 12, 2011, by or before 6:00 p.m.

15 SEC to file reply: May 18, 2011

16 Hearing on motion, if the Court determines to hold a hearing: May 24, 2011

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18 DATED: May 9, 2011

Respectfully submitted,

19
20 /s/ Susan F. LaMarca

21 Susan F. LaMarca
22 Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION

23
24 /s/ Amy M. Ross

25 Amy M. Ross
26 ORRICK, HERRINGTON & SUTCLIFFE LLP
Attorneys for Defendant
LISA C. BERRY

27 The Commission's undersigned counsel of record, Susan F. LaMarca, hereby attests that Amy
28 Ross concurs in the filing of this Stipulation and [Proposed] Order in accordance with General Order No.
45, Electronic Case Filing, section 10(b).

ORDER

SEC to file motion: May 12, 201, by or before 1:00 p.m.

Ms. Berry to respond to SEC's motion: May 12, 2011, by or before 6:00 p.m.

SEC to file reply: May 18, 2011

~~Hearing on motion: May 24, 2011~~

Unless the Court notifies the parties otherwise, no hearing will be set for this motion.

IT IS SO ORDERED.

Dated: May 11, 2011



Howard R. Lloyd
United States Magistrate Judge