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**\*\* E-filed 06/12/09 \*\***

10 Attorneys for Defendant  
 11 Lisa C. Berry

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

15 SECURITIES AND EXCHANGE  
 16 COMMISSION,

17 Plaintiff,

18 v.

19 LISA C. BERRY,

20 Defendant.

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

**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR SHORTENED TIME  
 FOR HEARING LISA C. BERRY'S  
 MOTION FOR PROTECTIVE  
 ORDER**

**Civil L. R. 6-1(a)**

**Magistrate Judge Howard R. Lloyd**

**Date:** July 14, 2009

**Time:** 10:00 AM

23 SECURITIES AND EXCHANGE  
 24 COMMISSION,

25 Plaintiff,

26 v.

27 KENNETH L. SCHROEDER,

28 Defendant.

Case No. C 07 3798 (JW) (HRL)

1 **STIPULATION**

2 WHEREAS, on May 21, 2009, Kenneth L. Schroeder served on Lisa C. Berry a Fed. R.  
3 Civ. P. Rule 45 subpoena for her deposition on September 9, 2009 and September 10, 2009 in  
4 *SEC v. Schroeder*, Case No. 07-3798 (JW) (HRL) (“Schroeder Action”);

5 WHEREAS, on May 28, 2009, Plaintiff Securities and Exchange Commission (“SEC”)  
6 noticed the deposition of Defendant Lisa C. Berry for June 18, 2009 and June 19, 2009 in *SEC v.*  
7 *Berry*, Case No. 07-4431 (RMW) (HRL) (“Berry Action”);

8 WHEREAS, counsel for Ms. Berry has met and conferred with counsel for Mr. Schroeder  
9 and the SEC regarding her objections to the timing of both of the aforementioned depositions;

10 WHEREAS, counsel for Ms. Berry has also met and conferred with counsel for Mr.  
11 Schroeder and the SEC regarding her request that her deposition and depositions of third party  
12 witnesses currently or formerly employed at KLA-Tencor Corporation to be conducted in both of  
13 the above-captioned cases be held jointly;

14 WHEREAS, Ms. Berry intends to file a motion in the Berry and Schroeder Actions for a  
15 protective order concerning the SEC’s deposition notice and Mr. Schroeder’s deposition  
16 subpoena. Ms. Berry also intends to ask that her deposition and the depositions of third party  
17 witnesses currently or formerly employed at KLA-Tencor Corporation to be conducted in both of  
18 the above-captioned cases be held jointly;

19 WHEREAS, Ms. Berry, Mr. Schroeder, and the SEC agree, subject to the Court’s  
20 approval, that the hearing on Ms. Berry’s motion should take place on July 14, 2009;

21 WHEREAS, the SEC accordingly intends to re-notice Ms. Berry’s deposition for July 22,  
22 2009 and July 23, 2009;

23 WHEREAS, Ms. Berry, the SEC and Mr. Schroeder seek an expedited hearing for her  
24 motion for protective order;

25 WHEREAS, Ms. Berry, the SEC and Mr. Schroeder have agreed to an expedited briefing  
26 schedule for Ms. Berry’s motion for protective order whereby Ms. Berry shall file and serve her  
27 motion no later than June 16, 2009, the SEC and Mr. Schroeder shall file and serve their  
28 respective responses no later than June 23, 2009, and Ms. Berry shall file and serve her reply on

1 June 30, 2009;

2 NOW THEREFORE, the parties hereby stipulate, and request that the Court order, as  
3 follows:

- 4 1. Ms. Berry shall file and serve her motion for a protective order and other relief no  
5 later than June 16, 2009.
- 6 2. The SEC and Mr. Schroeder shall file and serve their respective responses no later  
7 than June 23, 2009;
- 8 3. Ms. Berry shall file and serve her reply no later than June 30, 2009; and
- 9 4. The Court will hear oral argument on July 14, 2009 or at its earliest convenience.

10 IT IS SO STIPULATED.

11

12 Dated: June 11, 2009

MELINDA HAAG  
JAMES A. MEYERS  
JAMES N. KRAMER  
NANCY E. HARRIS  
REBECCA F. LUBENS  
SHANEEDA JAFFER  
Orrick, Herrington & Sutcliffe LLP

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*/s/ Melinda Haag*

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MELINDA HAAG  
Attorneys for Defendant  
Lisa C. Berry

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19

20 Dated: June 11, 2009

MARC J. FAGEL  
SUSAN F. LA MARCA  
MARK P. FICKES  
JEREMY E. PENDREY  
ELENA RO  
Securities and Exchange Commission

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*/s/ Susan F. La Marca*

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SUSAN F. LA MARCA  
Attorneys for Plaintiff  
Securities and Exchange Commission

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Dated: June 11, 2009

SHIRLI F. WEISS  
DAVID A. PRIEBE  
JEFFREY B. COOPERSMITH  
DLA Piper LLP

/s/ Shirli F. Weiss

SHIRLI F. WEISS  
Attorneys for Defendant  
Kenneth L. Schroeder

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Rebecca Lubens, attest that concurrence in the filing of this document has been obtained from all signatories.

Dated: June 11, 2009

REBECCA F. LUBENS  
Orrick, Herrington & Sutcliffe LLP

/s/ Rebecca F. Lubens

REBECCA F. LUBENS  
Attorneys for Defendant  
Lisa C. Berry

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: June 12, 2009



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Hon. Magistrate Judge Howard R. Lloyd