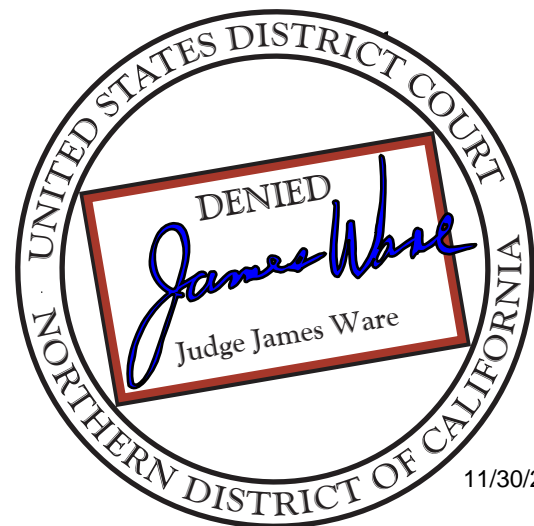


1 MARC J. FAGEL (Cal. Bar No. 154425)
 MARK P. FICKES (Cal. Bar No. 178570)
 2 fickesm@sec.gov
 ROBERT L. TASHJIAN (Cal Bar No. 191007)
 3 tashjianr@sec.gov
 SUSAN F. LaMARCA (Cal Bar No. 215231)
 4 lamarcas@sec.gov
 ROBERT S. LEACH (Cal. Bar No. 196191)
 5 leachr@sec.gov
 ERIN E. SCHNEIDER (Cal. Bar No. 216114)
 6 schneidere@sec.gov

7 Attorneys for Plaintiff
 SECURITIES AND EXCHANGE COMMISSION
 8 44 Montgomery Street, Suite 2600
 San Francisco, California 94104
 9 Telephone: (415) 705-2500
 Facsimile: (415) 705-2501



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

15 SECURITIES AND EXCHANGE COMMISSION,
 16 Plaintiff,
 17 vs.
 18 CARL W. JASPER,
 19 Defendant.

Case No. CV 07-6122 JW

**STIPULATION AND [PROPOSED]
 ORDER TO CHANGE HEARING DATE
 ON MOTION FOR SUMMARY
 JUDGMENT AND OBJECTIONS TO
 EXPERTS**

Current Hearing Date: December 14, 2009
 Proposed Hearing Date: December 21, 2009
 Time: 9:00 a.m.
 Location: Courtroom 8, Fourth Floor
 Hon. James Ware

1 Pursuant to Local Rule 6-1, plaintiff Securities and Exchange Commission (“Commission”)
2 and defendant Carl W. Jasper hereby stipulate, and propose the Court order, that the hearing date on
3 the Commission’s Motion for Summary Judgment and the Commission’s Objections to Experts be
4 moved one week to December 21, 2009.

5 **STIPULATION**

6 WHEREAS, pursuant to the Order dated October 8, 2009, entered upon the parties’
7 stipulation modifying the discovery plan, the date for hearing dispositive motions and for hearing
8 objections to experts was scheduled for December 14, 2009, and the Court moved the hearing on the
9 Commission’s previously noticed Motion for Summary Judgment and on the Commission’s
10 Objections to Experts were each moved to December 14, 2009.

11 WHEREAS, the Commission’s Replies to Defendant’s Oppositions to the Commission’s
12 Motion for Summary Judgment and its Objections to Experts currently are due to be filed on
13 November 30, 2009.

14 WHEREAS, the Thanksgiving Day holiday falls on November 26, 2009, a federal holiday,
15 and the Commission will also be short staffed on the following day, November 27, 2009.
16 Consequently, it will prove exceptionally difficult, for the reasons set forth in the Declaration of Erin
17 Schneider, for the Commission to prepare its Replies by the current due date.

18 WHEREAS, the Defendant consents to the Commission’s request to extend the due date for
19 its Replies one week, from November 30 to December 7. Defendant does not consent to a longer
20 extension, however.

21 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel,
22 that the date of the hearing on the pending Motion for Summary Judgment and the Commission’s
23 Objections to Experts should be moved to December 21, 2009, at 9:00 a.m., or such further date and
24 time as the Court may set. (Counsel are available January 4, 2010 and January 25, 2010.) The
25 Commission’s Replies in support of its Motion for Summary Judgment and Objections to Experts
26 will be filed no later than December 7, 2009.
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

IT IS SO STIPULATED:

Dated: November 25, 2009 /s/ Erin E. Schneider
Erin E. Schneider
Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION

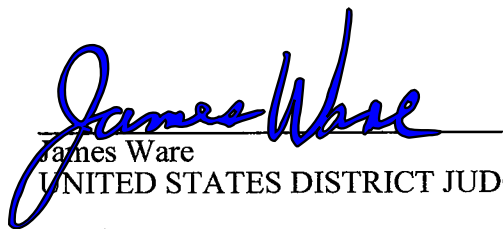
Dated: November 25, 2009 /s/ Steven M. Bauer
Steven M. Bauer
LATHAM & WATKINS LLP
Attorneys for Defendant Carl Jasper

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Erin E. Schneider herby attests that concurrence in the filing of this document on behalf of Latham & Watkins LLP has been obtained from Steven M. Bauer, Esq.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Court cannot accommodate the parties's request for continuance of the December 14, 2009 hearing and DENIES the parties' Stipulation. The hearing remains on calendar for December 14, 2009 at 9:00 AM.

Dated: November 30, 2009


James Ware
UNITED STATES DISTRICT JUDGE