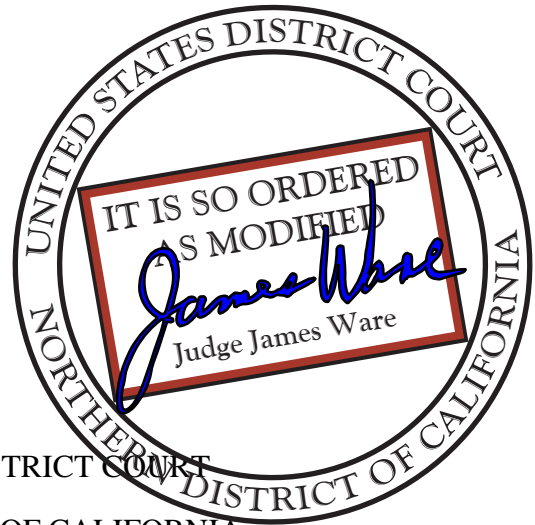


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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 SECURITIES AND EXCHANGE  
 COMMISSION,

13 Plaintiff,

14 v.

15 CARL W. JASPER,

16 Defendant.

CASE NO. CV. 07-6122 JW

13 STIPULATION AND [PROPOSED] ORDER  
 14 MODIFYING DISCOVERY PLAN

1                   WHEREAS, on June 25, 2009, this Court issued an order setting the following  
2 relevant pre-trial deadlines:

- 3                   • September 10, 2009 – last day to exchange expert rebuttal reports
- 4                   • October 1, 2009 – the close of all discovery
- 5                   • October 15, 2009 – last day to file motions regarding objections to experts
- 6                   • November 5, 2009 – last day to file dispositive motions
- 7                   • November 19, 2009 – last day to hear motions regarding objections to
- 8                   experts
- 9                   • December 14, 2009 – last day to hear dispositive motions;

10                   WHEREAS, on August 20, 2009 the parties filed a stipulation and proposed order  
11 (the “August 2009 Stipulation”) requesting minor changes to the discovery schedule to allow for  
12 additional time to prepare expert rebuttal reports to complete discovery;

13                   WHEREAS, the August 20, 2009 Stipulation requested that the last day for  
14 rebuttal reports be moved to September 24, 2009 and that the close of discovery be moved to  
15 October 15, 2009 so that the experts could be deposed after rebuttal reports were exchanged;

16                   WHEREAS, the August 20, 2009 Stipulation also requested that the last day to  
17 file objections to experts be November 5, 2009 in order for the parties to first take the expert  
18 depositions prior to filing any objections to experts;

19                   WHEREAS, on August 27, 2009, this Court granted the stipulation and proposed  
20 order, but modified the stipulation so that the date of the hearing on objections regarding experts  
21 and dispositive motions is currently set for November 9, 2009;

22                   WHEREAS, the effect of this modification is that the parties would have to file  
23 objections to experts on October 5, 2009 and dispositive motions, ten days before the close of  
24 fact discovery and likely before all experts have been deposed (as the discovery cut-off is now  
25 October 15, 2009); and

26                   WHEREAS, the parties respectfully request that the Court move the hearing date  
27 for objections to experts and dispositive motions to December 14, 2009 so that the parties can  
28

1 complete expert discovery before having to file objections to experts and complete discovery  
2 prior to the filing of dispositive motions;

3 IT IS HEREBY STIPULATED by and between the parties hereto through their  
4 respective attorneys that the last day to file motions regarding objections to experts and  
5 dispositive motions shall be November 5, 2009, and the hearing for both dispositive motions and  
6 objections to experts shall be December 14, 2009 at 9 a.m.

7 Any other deadline calculated from, or which depends upon, the occurrence of  
8 any event listed above shall be calculated using these agreed-upon dates, pursuant to the Federal  
9 Rules of Civil Procedure.

10 Dated: September 8, 2009

LATHAM & WATKINS LLP

11

12

By \_\_\_\_\_ /S/  
Christopher W. Johnstone  
Attorneys for Defendant  
Carl W. Jasper

13

14

15 Dated: September 8, 2009

SECURITIES AND EXCHANGE COMMISSION

16

17

By \_\_\_\_\_ /S/  
Mark P. Fickes  
Attorney for Plaintiff  
SECURITIES AND EXCHANGE COMMISSION

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*Filer's Attestation: Pursuant to General  
Order No. 45, Section X(B) regarding  
signatures, David M. Friedman hereby  
attests that concurrence in the filing of this  
document has been obtained.*

20

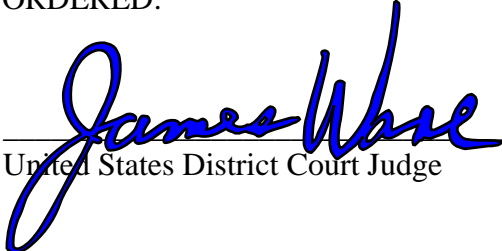
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23 PURSUANT TO STIPULATION, IT IS SO ORDERED:

24

25 Date: October 8, 2009

  
United States District Court Judge

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