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14 **Attorneys for Defendant**
 14 **BENJAMIN SILVA, III**

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

19 SECURITIES AND EXCHANGE COMMISSION,
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 21 Plaintiff,
 22 vs.
 23 BENJAMIN SILVA, III,
 24 Defendant.

Case No. 09-05395-LHK

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

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1 This stipulation is entered into by and among plaintiff Securities and Exchange Commission
2 (“Commission”) and defendant Benjamin Silva, III to continue the case management conference
3 currently schedule for February 2, 2011 to April 27, 2011 as follows:

4 On January 27, 2011, the Commission and Mr. Silva participated in a Court-ordered
5 mediation. As a result of the mediation, the Commission staff and Mr. Silva reached an agreement in
6 principle to settle this litigation.

7 As a federal government agency, the Commission can only act through a vote of its five
8 Presidentially-appointed Commissioners. As a result, any proposed settlement must be presented to
9 the Commissioners for consideration and ratification before the parties may present it to the Court.

10 In order to allow time for the Commissioners to consider and vote whether to ratify the
11 proposed settlement, the parties hereby stipulate and request that the Court enter an order that (1)
12 continues the case management conference currently scheduled for February 2, 2011 to April 27,
13 2011, and (2) continues the current fact discovery cut-off to a date to be determined at the April 27
14 case management conference.

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16 DATED: January 31, 2010

Respectfully Submitted,

17
18 /s/ Robert L. Mitchell

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1 DATED: January 31, 2010

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18 Attorneys for Defendant
19 BENJAMIN SILVA, III

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ORDER

Based on the foregoing stipulation of the parties, and for good cause appearing, it is ordered that (1) the case management conference scheduled for February 2, 2011 is hereby continued to _____ April 27 _____, 2011 at 2 p.m., and (2) the current fact discovery cut-off date of June 17, 2011 is hereby continued to a date to be determined at the April 27, 2011 case management conference.

SO ORDERED.

Dated: January 31, 2011



UNITED STATES DISTRICT JUDGE