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 15 BENJAMIN SILVA, III

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

19 SECURITIES AND EXCHANGE COMMISSION,  
 20  
 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 April 27, 2011 to June 15, 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 On January 31, 2011, pursuant to stipulation of the parties, the Court entered an order  
8 vacating a case management conference set for February 2, 2011, and re-setting it for April 27, 2011.  
9 Dkt. No. 31. The parties requested this postponement so that they could document the settlement  
10 reached during the mediation and submit it for consideration and ratification by the Commission.

11 There were some unanticipated delays in documenting the settlement. However, the parties  
12 have now documented the settlement and have submitted it for consideration to the Commission.

13 In order to allow time for the Commissioners to consider and vote whether to ratify the  
14 proposed settlement, the parties hereby stipulate and request that the Court enter an order that (1)  
15 continues the case management conference currently scheduled for April 27, 2011 to June 15, 2011  
16 and (2) continues the current fact discovery cut-off to a date to be determined at the June 15 case  
17 management conference.

18  
19 DATED: April 18, 2011

Respectfully Submitted,

20  
21 /s/ Robert L. Mitchell

22 Robert L. Mitchell  
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1 DATED: April 18, 2011

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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 April 27, 2011 is hereby continued to June 8 \_\_\_\_\_, 2011 at 2:00 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 June 8 \_\_\_\_\_, 2011 case management conference. **No further continuances will be granted.**

SO ORDERED.

Dated: April 22, 2011 \_\_\_\_\_

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE