

E-Filed: October 8, 2013

1 David S. Markun (SBN 108067)
 Daria Dub Carlson (SBN 150628)
 2 MARKUN ZUSMAN FRENIERE & COMPTON LLP
 17383 Sunset Boulevard, Suite A380
 3 Pacific Palisades, California 90272
 Telephone: (310) 454-5900
 4 Facsimile: (310) 454-5970
 Email: dmarkun@mzclaw.com
 5 Email: dcarlson@mzclaw.com

6 Edward S. Zusman (SBN 154366)
 Oriet Cohen-Supple (SBN 206781)
 7 MARKUN ZUSMAN FRENIERE & COMPTON LLP
 465 California Street, 5th Floor
 8 San Francisco, California 94104
 Telephone: (415) 438-4515
 9 Facsimile: (415) 434-4505
 Email: ezusman@mzclaw.com
 10 Email: ocohen@mzclaw.com

11 Jon R. Giffen (SBN 142158)
 KENNEDY ARCHER & HARRAY
 12 24591 Silver Cloud Ct. #200
 Monterey, California 93940
 13 Telephone: (831) 373-7500
 Facsimile: (831) 373-7555
 14 Email: jgiffen@kahlaw.net

15 *Attorneys for Plaintiffs LPL Financial, LLC and*
 16 *William Hastie*

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE**

19 LPL FINANCIAL, LLC, a California
 limited liability company; and
 20 WILLIAM HASTIE, an individual,

21 Plaintiffs,

22 v.

23 MIKE T. BRILEY, et al.,

24 Defendants.

Case No. C-13 1207 HRL

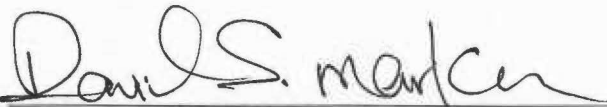
**STIPULATION FOR FILING OF SECOND
 AMENDED COMPLAINT AND ~~PROPOSED~~
 ORDER**

25
 26 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
 27 attorneys of record that Plaintiffs LPL FINANCIAL, LLC and WILLIAM HASTIE ("Plaintiffs")
 28

1 may file a Second Amended Complaint reflecting Plaintiffs' dismissal of the cause of action for
2 violation of Federal computer fraud law (18 U.S.C. §1030(a), and that all other allegations and
3 causes of action remain unchanged. A copy of the Second Amended Complaint is attached hereto
4 as Exhibit A to this Stipulation.

5 IT IS FURTHER STIPULATED that the defendants waive notice and service of the
6 Second Amended Complaint, and shall not be required to answer the amendment, and that all
7 denials, responses and affirmative defenses contained in the Answer filed by the defendants to the
8 First Amended Complaint shall be responsive to the Second Amended Complaint.

9
10
11 Dated: 9/20/2013



12 DAVID S. MARKUN
13 MARKUN ZUSMAN FRENIERE & COMPTON LLP

14 *Counsel for Plaintiffs*

15
16 Dated: 9/20/2013



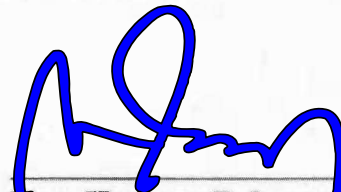
17 FARLEY J. NEUMAN
18 GOODMAN NEUMAN HAMILTON LLP

19 *Counsel for Defendants*

20
21 **ORDER**

22 PURSUANT TO THIS STIPULATION AND GOOD CAUSE APPEARING, IT IS
23 ORDERED THAT Plaintiffs shall file the Second Amended Complaint within fifteen ~~y~~(7) days
24 of this order.

25
26 Dated: ~~September~~ ^{October} 8, 2013



27 HON. HOWARD R. LLOYD
28 UNITED DISTRICT COURT MAGISTRATE
JUDGE