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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT E. MILES AND MAURICE)
HOWARD MILES, CO-SPECIAL)
ADMINISTRATORS OF THE ESTATE)
OF MARY L. MILES, DECEASED,)

Case No.: 2:08-cv-00740

Plaintiffs,

vs.

HELEN CAROL MERGEN, TRUSTEE)
OF THE HELEN S. MCBAIN 2000)
LIVING TRUST DATED SEPTEMBER)
7, 2000; HELEN CAROL MERGEN,)
INDIVIDUALLY, AND ANDREW)
MERGEN, INDIVIDUALLY, AND)
ALEXANDRA MERGEN,)
INDIVIDUALLY; RBC DAIN)
RAUSCHER INC., A MINNESOTA)
CORPORATION; AND DOES I)
THROUGH X AND ROE)
CORPORATIONS I THROUGH X)
INCLUSIVE,)

STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
DEFENDANTS TO RESPOND TO
PLAINTIFFS' MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS

(First Request)

Defendants.

WHEREAS, on or about June 9, 2008, Plaintiffs filed a Complaint in the United States

1 Court, District of Nevada, Case No.: 2:08-cv-00740, alleging certain claims against Helen Carol
2 Mergen, individually and as Trustee of the Helen S. McBain 2000 Living Trust dated September
3 7, 2000, Andrew Mergen and Alexandra Mergen (“McBain”) and RBC Dain Rauscher, Inc., n/k/a
4 RBC Capital Markets Corporation (“Dain Rauscher”).

5 WHEREAS, Dain Rauscher and McBain both filed Motions to Dismiss on February 17,
6 2009.

7 WHEREAS, Dain Rauscher and McBain agreed to extend the time, up to and including
8 March 23, 2009, for Plaintiffs to respond to the Motions to Dismiss.

9 WHEREAS, counsel for Plaintiffs hereby agree to extend the time, up to and including,
10 Tuesday, April 14, 2008, for McBain to respond to Plaintiffs’ Memorandum in Opposition to
11 Defendants Helen Carol Mergen, Individually and as Trustee of the Helen S. McBain 2000 Living
12 Trust, Alexandra Mergen and Andrew Mergen’s Motion to Dismiss.

13 WHEREAS, counsel for Plaintiffs hereby agree to extend the time, up to and including,
14 Tuesday, April 14, 2008, for Dain Rauscher to respond to Plaintiffs’ Memorandum in Opposition
15 to Defendant RBC Dain Rauscher, Inc.’s Motion to Dismiss.

16 This is the parties’ first proposed stipulation and order with respect to the deadline by
17 which Defendants are to respond to Plaintiffs’ Memorandum in Opposition to the Motions to
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1 Dismiss. This stipulation is made in good faith and is not submitted for the purpose of delay.

2 DATED this 2nd day of April, 2009

DATED this 2nd day of April, 2009

3 SOLOMON DWIGGINS & FREER, LTD.

FABIAN & CLENDENIN, P.C.

4

5 By: /s/ Jeffrey P. Luszeck, Esq.

By: /s/ Kevin N. Anderson, Esq.

6 Mark A. Solomon, Esq.
7 Nevada State Bar # 000418
8 Dana A. Dwiggins, Esq.
9 Nevada State Bar # 007049
10 Jeffrey P. Luszeck, Esq.
11 Nevada State Bar # 009619
12 Cheyenne West Professional Centre
13 9060 West Cheyenne Avenue
14 Las Vegas, Nevada 89129

Kevin N. Anderson, Esq.
Nevada State Bar # 004512
601 South Tenth Street #102
Las Vegas, Nevada 89101

Attorney for Plaintiffs

10 Attorneys for Helen Carol Mergen, individually
11 and as Trustee of the Helen S. McBain 2000
12 Living Trust, Alexandra Mergen and Andrew
13 Mergen

13 DATED this 2nd day of April, 2009

14 LEWIS & ROCA, LLP

15

16 By: /s/ Emily G. Clark, Esq.

17 Von S. Heinz, Esq.
18 Nevada State Bar # 000859
19 Emily G. Clark, Esq.
20 Nevada State Bar # 010547
21 3993 Howard Hughes Parkway # 600
22 Las Vegas, Nevada 89169

20 Attorneys for Defendant RBC Dain
21 Rauscher, Inc.

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IT IS SO ORDERED:

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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DATED: April 6, 2009